

# **CITY OF CORBIN, KENTUCKY**



## **DEVELOPMENT ORDINANCE**

**PRESENTED TO THE CORBIN PLANNING COMMISSION**

**Revised January, 2015**

## Acknowledgements

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The Honorable Willard McBurney

### **City Manager**

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### **Board of Commissioners**

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### **Former Planning Commission Board Member Acknowledgment**

The Planning Commission would like to acknowledge deep appreciation of the long and devoted service given by Don Robinson to the Planning Commission. Don was a valuable member of the Planning Commission and his contributions are numerous.

### **Building Inspector / Code Enforcement Officer**

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### **Graphics and Design/Development**

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## **ARTICLE I**

### **INTRODUCTION**

This ordinance is designed to combine in a single text, land use regulations (zoning) and subdivision regulations. It is written in such a way as to make it easier to use, to better illustrate some of the most important concepts, and to avoid duplication or inconsistencies commonly found in separate documents. The document arranges all of the necessary procedures in a more logical order, under one cover. It tries to allow for greater flexibility of design and development while being careful to protect the health, safety, and general welfare of the citizens of Corbin.

The development ordinance includes a number of references to the city's comprehensive plan. It serves as one of the primary tools for implementing the recommendations included in the plan. It is the desire of the City of Corbin, that through the use of this document that both the quality of development and the overall quality of life will improve in the future.

## **ARTICLE II GENERAL PROVISIONS**

### **200 TITLE**

This ordinance shall be known and may be referred to as the Corbin Development Ordinance. The Official Zoning Map of Corbin is hereby made a part of this ordinance. Certified copies of this ordinance and map are on file with the planning commission, city clerk, and the Whitley County clerk.

### **201 AUTHORITY**

These regulations are adopted under the authority granted in Kentucky Revised Statutes (K.R.S.) Chapter 100.

### **202 PURPOSE**

The purpose of this ordinance is to promote public health, safety, morals, and the general welfare of the City of Corbin, Kentucky, to facilitate orderly and harmonious development, to preserve the aesthetic or historical character of the area, and to regulate the density of population and the intensity of land use in order to provide for adequate green space, light, and air. In addition, this ordinance is designed to provide for vehicle parking and loading space, as well as to facilitate police and fire protection, prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and prevent the loss of life, health, or property from fire, flood, or other dangers. These regulations are used also to protect airports, highways, and other transportation facilities, public grounds and facilities, historic districts, primary agricultural land and other natural resources, and other specific areas of the city which need special protection.

### **203 JURISDICTION**

On and after the date of adoption, these regulations shall govern the use of land and structures and the subdivision of land within the corporate limits of the City of Corbin, Kentucky.

### **204 MINIMUM REQUIREMENTS**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. The Planning Commission may require standards above the minimum contained herein whenever it finds that the protection of public health, safety, and welfare warrants such increases. Examples include the provision of infrastructure in excess of the stated minimum, when it is deemed necessary to provide future development on adjacent sites.

## **205     CONSISTENCY WITH OTHER PROVISIONS**

Whenever there is a discrepancy between minimum standards set forth in these regulations and those of other lawfully adopted rules, regulations, resolutions, or ordinances, the most restrictive or highest standard shall apply.

## **206     SEPARABILITY AND SEVERABILITY**

Should any section or provision of these regulations be for any reason held void or invalid by any court of competent jurisdiction, it shall not affect the validity of any other clause, section or provision thereof which is not itself void or invalid.

## **207     RELATION TO THE COMPREHENSIVE PLAN**

The implementation of these regulations is closely related to the attainment of goals and objectives contained in the current Comprehensive Plan for Corbin, Kentucky. The sections of the plan dealing with land use and subdivision development should serve as primary reference points in administering these regulations.

## **208     REPEAL OF CONFLICTING ORDINANCES**

All ordinances or parts of ordinances in conflict with this ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

## **209     EFFECTIVE DATE**

This ordinance shall become effective from and after the date of its approval and adoption by the City of Corbin, Kentucky

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Mayor, City of Corbin, Kentucky

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Date

## **ARTICLE III ADMINISTRATION AND ENFORCEMENT**

### **300 THE CITY COMMISSION**

The City Commission consists of a Mayor, elected for a four-year term, and four Commissioners, each elected for two-year terms. This body is responsible for overall governance of the city. They meet twice each month, and on call as needed, in order to transact the city's business.

The commission's specific responsibilities related to planning and development activities fall into two categories:

1. The development, adoption, and administration of laws, regulations, and rules (ordinances, resolutions, orders, etc.) for conduct of the city's affairs. The body formally adopts the Comprehensive Plan which serves as the general guide for future development. In zoning, the City Commission makes the final decisions regarding specific zoning map and text amendments. In the subdivision and development of land and the enforcement of codes, they are represented in the process by members from appropriate city departments or agencies (Codes, Streets, Fire Department, Utilities, etc.).
2. The provision of personnel to oversee the planning and development process to include the Planning Commission, Board of Adjustment, Department of Codes and Planning, planning consultant, legal counsel, etc.

### **301 PLANNING COMMISSION**

**301.1 Appointing Authority** - The Mayor of Corbin shall appoint the seven (7) city members of the Planning Commission with the approval of the City Commission. At least five of the members shall be citizen members and all must reside or own property within the corporate boundaries of the City of Corbin, KY.

**301.2 Term of Office** - The term of office of all elected public officials shall be the same as their official tenure in office. The terms of office for other members shall be four years, but the term of office of members first appointed shall be staggered so that a proportional number serve one, two, three, and four years respectively, and later appointments or reappointments shall continue the staggered patterns.

**301.3 Vacancies** - Vacancies shall be filled within sixty (60) days by the Mayor. If the Mayor fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.



**301.4 Oath of Office** - All members of the Planning Commission shall, before taking office, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of a court, or justice of peace within Whitley or Knox County.

**301.5 Removal** - Any member of the City Commission may be removed by the Mayor with approval of the appropriate governmental body for inefficiency, neglect of duty, malfeasance, or conflict of interest.

**301.6 Meetings and Procedures** - The Planning Commission shall elect a chairman and vice chairman and adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Regular meetings shall be held at least six times annually. Special meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its procedures, including regulations, transactions, findings, and determinations, and the number of votes for and against each question, and if any member is absent or disqualifies from voting, indicating the fact.

A simple majority of the total membership of the Commission (four) shall constitute a quorum. A member having a financial interest in the outcome of any application before the Commission shall disclose the nature of the interest and shall disqualify himself (herself) from voting on the question, and shall not be counted for the purpose of a quorum. If it is discovered that a member failed to properly excuse himself (herself), his (her) vote on the issue in questions will be void. A simple-majority vote of all members present where there is a properly constituted quorum shall be necessary to transact any official business except that a vote of a simple majority of the total membership shall be necessary for the adoption of amendment of the commission's bylaws, or for elements of the comprehensive plan or regulations.

**301.7 Duties** - The Planning Commission shall:

1. Prepare a comprehensive plan.
2. Review and amend the comprehensive plan as necessary.
3. Review all proposed amendments to the Development Ordinance and make recommendations to the city commission.
4. File certificates of land use restrictions.

**301.8 Employing Planners or Other Persons** - The Planning Commission may employ a staff or contract with planners or other persons as it deems necessary to accomplish its assigned duties.

**301.9 Finances** - The city commission may appropriate out of general revenues for the expenses and accommodations necessary for the work of the Planning Commission. The Planning Commission shall have the right to receive, hold, and spend funds which it may legally receive from any and every source both in and out of the Commonwealth of Kentucky, including the U.S. Government, for the purpose of carrying out its duties.

## **302 THE BOARD OF ADJUSTMENT**

### **302.1 Membership, Appointment, Term Vacancies, Oath, Removal, and Officers**

The Board shall consist of five (5) members, all of whom must be citizen members and must reside within the city limits. Not more than two of the members may be citizen members of the planning commission. Board members shall be appointed by the Mayor, subject to the approval of the City Commission. The term of office shall be for four years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one, two, three, and four years respectively. The Board as constituted at the time of adoption of this Ordinance shall continue in power. Future appointments shall be made as required in this Section of the Ordinance.

Vacancies on the board shall be filled within sixty (60) days by the Mayor subject to approval by the City Commission. If the Mayor fails to act within that time, the Board of Adjustments shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

All members shall, before taking office, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of a court, or justice of the peace within Whitley or Knox County.

Any member of a board of adjustments may be removed by the Mayor, subject to approval by the City Commission, for inefficiency, neglect of duty, malfeasance, or conflict of interest. The Mayor shall submit a written statement to the commission setting forth the reasons for removal, and the statement shall be read at the next meeting of the Board of Adjustment, which shall be open to the general public. The members removed shall have the right of appeal from the removal in the circuit court of the county in which he/she resides.

Each board of adjustments annually shall elect a chairman, vice-chairman, and secretary, and any other officers it deems necessary, and any officer shall be eligible for re-election at the expiration of his term.

### **302.2 Meetings of Board: Quorum; Minutes; Bylaws**

The board of adjustment shall conduct meetings at the call of the chairperson who shall give written or oral notice to all members of the board at least seven (7) days prior to the meeting, which notice shall contain the date, time, and place for the meeting, be listed in the local paper at least seven (7) days in advance of a called meeting, and a copy of the agenda sent to the Mayor and members of the City Commission.

A simple majority of the total membership of the board of adjustment as established by regulation or agreement shall constitute a quorum. Any member of a board of adjustment who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself (herself) from voting on the question.

The board of adjustment shall adopt by laws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption be filed in the office of the board. If the board has no office, such records may be kept in custody of an officer of the board and shall be available to the general public. A transcript of a board of adjustment meeting shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

### **302.3 Employing Planners or Other Persons**

The board of adjustment may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties under this chapter.

### **302.4 Finances**

The board of adjustment shall have the right to receive, hold, and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky, including the United States Government, for the purpose of carrying out the provisions of this chapter.

### **302.5 Subpoena Power**

The board of adjustment shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it. The sheriff shall serve such subpoenas. The circuit court may, upon application by the board, compel obedience to such court or such subpoena by proceedings of contempt.

### **302.6 Administration of Oaths**

The Chairperson of the board of adjustment shall have the power to administer an oath to witnesses prior to their testifying before the board on any issue.

### **302.7 Powers and Duties of Board of Adjustments**

The City of Corbin Board of Adjustment has the following responsibilities as pertains to this ordinance (KRS 100.217):

- 1) Hear and decide applications for conditional use permits;
- 2) Act on applications for non-conforming uses and structures;
- 3) Act on applications for variances;
- 4) Hear and decide cases where it is alleged by an applicant that there is an error in any order, requirement, decision, grant, or refusal made by the administrative official in the enforcement of these regulations.

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Codes Administrator from whom the appeal is taken. The concurring vote of the five members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Codes Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variation in the application of this ordinance.

## **303 DEPARTMENT OF CODES AND PLANNING**

The City of Corbin Department of Codes and Planning shall be responsible for administration of the Corbin Development Ordinance within the city limits.

### **303.1 Code Enforcement Board**

The Board shall consist of three (3) members, all of whom must be citizen members and must reside or own property within the city limits. Not more than two of the members may be citizen members of the planning commission. Board members shall be appointed by the Mayor, subject to the approval of the City Commission. The term of office shall be for three years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one, two, and three years respectively. The Board as constituted at the time of adoption of this Ordinance shall continue in power. Future appointments shall be made as required in this Section of the Ordinance.

## **304 CODES ADMINISTRATOR**

A Codes Administrator shall be appointed by the Mayor to administer the Development Ordinance. The Codes Administrator may be designated to issue building permits and certificates of occupancy in accordance with the literal terms of the regulation, but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of the Development Ordinance.

## **305. PENALTIES**

- 305.1** Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of the regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction, be fined not less than ten dollars (\$10) but not more than five hundred (\$500) for each conviction. Each day of violation shall constitute a separate offense.
- 305.2** Any person, owner, or agent who violates the provisions of KRS 100 shall, upon conviction be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.
- 305.3** Any person who intentionally violates any provision of KRS 100.3682 to 100.3684 shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).
- 305.4** The procedure for citations issued by an enforcement officer shall be as provided in KRS 431.015, and KRS 65.8825.

## **ARTICLE IV THE USE OF LAND AND STRUCTURES**

## **400 PURPOSE**

The purpose of this section is to protect and promote the general welfare, health and safety of the public by establishing regulations and standards to:

- A. Preserve and protect the aesthetic quality, natural beauty, and character of the land and the natural resources.
- B. Preserve, enhance, and protect the character and quality of life of the community.
- C. Encourage the harmonious interaction of residential, commercial, industrial, public and semi-public, and agricultural land uses.

- D. Promote and protect the safety of the public against fire, flood, or other hazards.
- E. Promote and protect the safety and convenience of motorists and pedestrians.
- F. Encourage the best possible use of the land while avoiding the undesirable effects of overcrowding, congestion, and mixture of incompatible uses.

## **401 PROCEDURES**

### **401.1 AMENDING THE TEXT**

As provided for in KRS 100.211, a proposal to amend the text of Article IV, The Use of Land and Structures, may originate with the Planning Commission or with the City Commission. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption. The Planning Commission shall hold a public hearing after notice as required by K.R.S. 424, and make a recommendation as to the text of the amendment, and whether the text amendment shall be approved or disapproved, stating the reasons for its recommendation. In the case of a proposed amendment originating with the City Commission, the Planning Commission shall make its recommendations within sixty (60) days of the date of its receipt of the proposed amendment. It shall take an affirmative vote of a majority of the City Commission to adopt the proposed amendment.

### **401.2 AMENDING THE OFFICIAL ZONING MAP**

- A. Prior to application for amendment to the Official Zoning Map, the applicant is encouraged to have a conference with the Codes Administrator to discuss the proposed land use change.
- B. Amendment application. A proposal to amend the Official Zoning Map may originate with the Planning Commission, the City Commission, or the owner of the property in question. The application for amendment shall contain at least the following items:
  - 1. Interest and Ownership. The applicant's name, address, and interest in the application and the name, address, and interest of every person, firm, or corporation represented by the applicant in the application, the name and signature of the owner or owners of the entire land area to be included within the proposed district and all encumbrances of such land and the names and addresses of owners of all adjacent property. If the applicant is not the owner, then the owner shall submit an affidavit certifying the person acting as a representative has the authority to act in his/her behalf.

2. Legal description and/or survey plat which contains metes and bounds that meet or exceed the current standards of practice for professional land surveyors in Kentucky. All zoning changes, irregardless of the legal description and/or survey plat, shall be construed as extending to the centerline(s) of adjacent public streets.
3. Reason for the amendment. The reason and justification for the proposed amendment should be consistent with the provisions of KRS 100.212.
4. Effect of the amendment. A statement giving the nature, description, and effect of the proposed amendment on surrounding land uses and properties must be included.
5. A development plan may be required by the Planning Commission in conjunction with the application, and shall be reviewed in keeping with Section 401.3. If a development plan is approved as part of the land use map amendment, a certificate of land use restriction must be filed in the County Clerk's Office.

C. Planning Commission Action:

1. Following receipt of an application, the Planning Commission shall fix a reasonable time for a public hearing. Public notice shall be given in accordance with KRS Chapter 424; such notice shall include publication in a local newspaper of general circulation at least once and shall be made not less than seven (7) days nor more than twenty-one (21) days before the date of the hearing. The applicant shall also give notice at least 14 days in advance of the hearing by first class mail, return receipt requested, to the owners of the adjacent property. Adjacent property includes property contiguous to the site in question as well as property directly across the roadway. Copies of all returned receipts and affidavits of publication shall be presented to the Planning Commission as evidence of compliance prior to the hearing. In addition, the applicant shall post a notice on the property for fourteen (14) consecutive days. This notice shall be in compliance with KRS Chapter 100.212 and with any requirements established by the Planning Commission.
2. If the property that is proposed for a change in land use classification adjoins property in a different planning unit, notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by first class mail to the Planning Commission of that planning unit.
3. If the city proposes to annex unincorporated or accept the transfer of incorporated territory, it may amend its comprehensive plan and the Official Zoning Map to incorporate and establish land use districts for the property proposed for annexation. If the city elects to follow this procedure, the Planning Commission shall hold a public hearing after the adoption of the ordinance stating the city's intention to annex and prior to

final action taken on the ordinance of annexation, for the purpose of adopting the comprehensive plan amendment and making its recommendations as to the classification of the land which will be effective for the property upon its annexation. Notice setting forth the time, date, location, and purpose for the public hearing shall be published as required by KRS Chapter 424 and shall be given to the owners of all properties within the area proposed for annexation and to adjoining property owners in conjunction with KRS 100.212(2). The city council shall take final action on the recommendations of the Planning Commission prior to adoption of the ordinance of annexation and shall include in the ordinance of annexation a map showing the land use district which will be effective for the annexed property. The Code Administrator will check with all appropriate city departments/agencies to ensure that there is sufficient capacity to meet the needs of the area being annexed.

4. The requirements of this Development Ordinance are based on recommendations included in the Corbin Comprehensive Plan. KRS 100.212 requires that before any amendment to the Official Zoning Map is granted, the Planning Commission must first find that the proposed map amendment is in agreement with the Comprehensive Plan, or in the absence of such a finding, that one or more of the following apply:
  - (A) That the original land use classification given to the property was inappropriate, and that the proposed land use classification is appropriate, or
  - (B) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan, and which have substantially altered the basic character of such area.
5. The Planning Commission shall hold a public hearing and shall make a finding of fact which shall be recorded in the minutes and records of the Planning Commission. The Planning Commission may vote to approve, reject, or defer action on the proposed amendment. After voting, the Planning Commission shall forward its finding of fact and recommendation in writing to the City Commission. The findings of fact shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment. A tie vote shall be subject to further consideration by the Planning Commission not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded to the City Commission without a recommendation for approval or disapproval (KRS 100.211).



6. No application for subdivision plat approval, development plat approval, or zoning map amendment, shall be reconsidered by the Planning Commission, or resubmitted to the Planning Commission within six (6) months of the meeting where such application is denied, unless:
  - a. The applicant files an affidavit with the request for reconsideration or the resubmitted application setting out and demonstrating that the prior action of the Planning Commission failed to consider essential evidence making the original determination erroneous under the appropriate statutory standard, or subdivision regulation standard, and the Planning Commission;
  - b. The new application is substantially different; or
  - c. There has been a change of conditions or law under which the denial was made.

In any such event, the Planning Commission must affirmatively vote to permit the resubmittal or reconsideration, and specifically set out the reasons thereof.

7. Action by the City Commission: The appropriate legislative body shall not act upon a proposed amendment to the Official Zoning Map until it has received the written finding of fact and recommendation from the Planning Commission. If the Planning Commission recommends the requested map amendment, the City Commission can override the recommendation by a majority vote of the membership of the legislative body.
8. When an application for a land use map amendment has been disapproved by the legislative body, an additional request for a change in land use for that tract of land or land included in that tract shall not be filed within six (6) months of the date of disapproval.

### **401.3 THE OFFICIAL ZONING MAP**

For the purpose of administering this chapter, the City of Corbin is divided into land use areas and districts, the boundaries of which are shown on the Official Zoning Map.

**401.31** The Official Zoning Map for the City of Corbin shall be identified by the title “Official Zoning Map of Corbin, Kentucky \_\_\_\_\_” and shall bear the signature of the Mayor attested by the City Clerk and bearing the seal of the city following the statement “This is to certify that this map is the Official Zoning Map of Corbin, Kentucky, \_\_\_\_ as adopted by Ordinance \_\_\_\_\_ by the City Commission on \_\_\_\_\_.”

**401.32** If in accordance with the provisions of this chapter and KRS Chapter 100, amendments are made in the district or overlay district boundaries or other matters portrayed on the Official Zoning Map of the City of Corbin, such amendments shall be made to the Official Zoning Map promptly after the amendment has been approved by the appropriate governing body with an entry on the Official Zoning Map as follows:

“By official action of the City Commission, this map is amended as authorized by Ordinance \_\_\_\_\_ which entry shall be signed by the Mayor and attested by the City Clerk.

**401.33** No changes of any nature shall be made to the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter and in KRS Chapter 100. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided herein.

**401.34** Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the appropriate Codes Administrator shall be the final authority as to the current land use classification of land and water areas, buildings, and other structures in the city.

**401.35** In the event the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, or due to deterioration with the passage of time, the City of Corbin may adopt a new Official Zoning Map which shall supersede the prior map, but no such correction shall have the effect of amending the original Official Zoning Map, or subsequent amendment thereof. The new Official Zoning Map shall be identified by the same signature, seal, and wording as provided in the original map.

#### **401.4 INTERPRETATION OF BOUNDARIES**

Where uncertainty exists with respect to the boundaries of any of the land use areas or districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines or property lines shall be construed as following such lot lines or property lines.
3. Boundaries indicated as approximately following city limits shall be

- construed as following such city limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
  5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerline of streams, rivers, creeks, or other natural drainage courses shall be construed to follow such center lines.
  6. Boundaries indicated as parallel to or extensions of features indicated in divisions 1 through 5 above, shall so be construed.
  7. Where physical or geographical features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by divisions 1 through 5 above, the Planning Commission shall interpret the district or overlay district boundaries.

#### **401.3 DEVELOPMENT PLAN REQUIREMENTS**

1. As referenced in KRS 100.203 (2), the Planning Commission may require a development plan in conjunction with a proposal to amend the Official Zoning Map. The development plan must be approved before the proposal to amend the Official Zoning Map will be acted upon. Where agreed upon, this development plan shall be followed. A development plan is required also for all multi-family residential, commercial, and industrial development projects.
2. An application shall be submitted as part of any development plan, and shall be made on a form provided by the Codes Administrator. The application shall contain the following information:
  - a) Name, address, and telephone number of the owner of all land within the building site (and developer, if different from owner);
  - b) If the developer is not the owner, a notarized affidavit signed by the owner shall be submitted stating that the owner authorizes the developer to act on his behalf, and that the owner agrees to abide by any restriction or condition placed on the development plan;
  - c) A legal description of the entire area to be developed;
  - d) Copies of any documents pertinent to the development of the property, including deed restrictive covenants, easements, or encroachment permits;
  - e) A brief concise description of the proposed usage of the property, including the anticipated number of employees or families, types of products produced or sold, services rendered, or any other related activities.

3. The Planning Commission may require the following information to be shown on a development plan drawn to scale and bearing the seal and signature of an architect, engineer, or land surveyor (as appropriate) bearing the seal of the Commonwealth of Kentucky.
- a) The boundary lines of the building sites and all lots or parcels which comprise the building site;
  - b) The area of the building site in square footage or acreage;
  - c) The type, location, and size of all utility and right-of-way easements which shall be labeled as existing or proposed;
  - d) The deed book or plat cabinet reference numbers for all deeds or easements together with a copy of the deed;
  - e) All existing and proposed final contours with benchmarks and the source of the contours.
  - f) All existing natural features such as trees, sinkholes, streams, creeks, or other bodies of water
  - g) The sizes and locations of all proposed or existing site improvements, including but not limited to:
    - Off-street parking and loading areas
    - Buffer strips and open spaces
    - Service roads, fire lanes, and sidewalks
    - Vehicle entrance and access locations and dimensions
    - Paved areas and curb cuts
    - Fire hydrants and Fire Department connections
    - Landscaping
    - Guardrails, fences, or hedges
    - Signs
    - Exterior lighting
    - Electric, water, and gas meters
    - Trash collection areas
    - Sidewalks, pedestrian ways, bikeways, and trails
  - h) Provisions for drainage of all surface water and soil erosion controls.
  - i) All existing and proposed buildings and other structures, and their proposed uses.
4. Development Plan Review Procedures:

Review: Upon receipt of a development plan prepared in accordance with the provisions above, the appropriate Codes Administrator shall immediately forward copies to the appropriate city officials who shall

review the development plan for compliance with any applicable codes, ordinances, or standards.

5. Recommendations: The reviewing agencies shall review the plan for compliance with the standards, codes, or ordinances which they are responsible for administering, and make written recommendations to the Planning Commission within the time frame provided for in the Department of Codes and Planning calendar.
6. Unless a development plan has been approved, only one (1) principal building may be erected on any lot or parcel of record. Temporary structures are permitted during construction only.

## **402 CERTIFICATES OF LAND USE RESTRICTION**

**402.1** In accordance with KRS 100.3681-100.3684, when land use restrictions are imposed to include variances, conditional use permits, conditional land use management conditions, unrecorded preliminary subdivision plats and development plans, but not including zoning map amendments which impose no limitations or restrictions upon the use of the property other than those generally applicable to properties within the same land use district and not including any recorded subdivision plat, a certificate of land use restriction must be completed by the appropriate body (Planning Commission, Board of Adjustment, or City Commission) which finally adopts or imposes the land use restriction. The certificates shall be in the format provided for in KRS 100.3683 (see Appendix), and shall be filed with the County Clerk within thirty (30) days of the date upon which the body takes final action to impose or adopt the restriction. The city shall collect the County Clerks' filing fee from the applicant at the time any processing is initiated which may result in the imposition, adoption, amendment or release of any land use restriction. In addition the city may also charge the applicant a fee for reasonable cost of completing the certificate not to exceed ten dollars and fifty cents (\$10.50), in addition to any other applicable filing or administrative fee, to compensate the city for completing and filing the certificate. The fees shall be refunded to the applicant in the event no land use restriction is imposed or adopted as a result of the proceeding. The County Clerk shall upon receipt of the fee, file and maintain these certificates among the official records of the office. The County Clerk shall index the certificates by property owner, and if applicable, name of subdivision or development. The County Clerk shall maintain in the office a record of the name and address of the agency having custody of the official zoning map.

When a restriction reflected on the certificate is amended, a new certificate shall be filed. In the case of such amendment or in the event the original restriction is released, the previous certificate shall be released by the secretary of the body

which amended or released the restriction in the same manner as releases of encumbrances upon real estate.

The failure to file, file on time, or to complete the certificate properly or accurately shall not affect the validity or ability to enforce any land use restriction or regulation. An improper filing may be corrected by a subsequent proper filing. Nothing herein shall affect the running of time for any appeal or other act for which a time limit is prescribed in these regulations.

When a zoning map amendment is filed for more than five (5) contiguous properties, or a land use restriction is imposed upon two (2) or more properties or lots in the same proceedings, a single certificate shall be filed for all the properties or lots collectively, and a single fee shall be paid.

## **403     CONDITIONAL USE PERMITS**

- 403.1** The Board of Adjustment shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the Land Use Management Regulations which may be suitable only in specific locations in the district only if certain conditions are met (KRS 100.237). In applying for a conditional use permit, the applicant shall submit an application to the Codes Administrator and shall follow all procedures set forth in this chapter. The Codes Administrator shall then refer the application to the Board of Adjustment. The Board shall charge a fee for reviewing all conditional use permit applications, and shall notify all adjacent property owners by certified mail of the time and place of the meeting at which the review will occur. The applicant shall pay costs of notification upon receipt of a statement from the appropriate city official.
- 403.2** The board may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit along with a reference to the specific section in the regulations listing the conditional use under consideration. The board shall have the power to revoke conditional use permits, or variances for non-compliance with the condition thereof. Furthermore, the board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment directed at that person.
- 403.3** Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing, and other regulations.

- 403.4** In any case where a conditional use permit has not been exercised within the time limit set by the board, or within one year if no specific time limit has been set, such conditional use permit shall not revert to its original designation, unless there has been a public hearing. “Exercised”, as set forth in this section, shall mean that there are binding contracts for the construction of the main building or the improvement is under construction to a substantial degree or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not part of the use, “exercised” shall mean that the use in operation is in compliance with the conditions as set forth in the permit.
- 403.5** The Codes Administrator shall review all conditional permits except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with the conditions on the conditional use permit, the Codes Administrator shall report the fact in writing to the chairman of the Board of Adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit and a copy of the report shall be furnished to the landowner at the same time it is furnished to the chairman of the Board of Adjustment. The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the Board of Adjustment finds that the facts alleged in the report of the Codes Administrator are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustment may authorize the Codes Administrator to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.
- 403.6** Once the Board of Adjustment has completed a conditional use permit and all the conditions required are of such type which can be satisfied completely and permanently, the Codes Administrator, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of conditional use permit which is on file.
- 403.7** When an application is made for a conditional use permit for land located in or abutting any residential district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, Codes Administrator, and owner of every parcel of property adjoining the property (and

directly across the street) to which the application applies and such other persons as the regulations shall direct. Written notice shall be by first class mail with certification by the board's secretary or other officer that the notice is mailed. It shall be the duty of the applicant to furnish to the board the name and address of any owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners.

**403.8** All conditional use permits approved by the Board of Adjustments shall be recorded at the expense of the applicant in the office of the county clerk.

#### **404 VARIANCES**

**404.1** Pursuant to KRS 100.241 - 100.251, the Board shall have the power to decide on applications for variances. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant. A variance applies to the property for which it is granted, and not to the individual who applied for it. A variance runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site. All variances approved by the Board of Adjustments shall be recorded at the expense of the applicant in the office of the county clerk.

**404.2** Before any variance is granted, the Board must make findings as per KRS 100.243 including but not limited to the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records issued in written form to the applicant to constitute proof of the variance.

- A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same district.
- B. Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption of these regulations.
- C. The strict application of the provisions of the regulations would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant.
- D. Reasons that the variance will not adversely affect the public health, safety, and welfare, will not alter the essential character of the general vicinity, and will not cause a hazard or a nuisance to the public.



## **405 NONCONFORMING USES AND STRUCTURES**

- 405.1** The lawful use of a lot or a structure, existing at the time of adoption of any land use regulations affecting it may be continued, although such does not conform to the provisions of such regulations, except as otherwise provided herein.
- 405.2** A nonconforming use may lapse for a period of one year without being considered abandoned. The property owner may appeal to the Board of Adjustment for an additional year prior to the end of the first year. Any lapse of a nonconforming use for a period of more than one year will result in the property being required to conform to existing land use requirements regarding appropriate uses.
- 405.3** A residential dwelling may be built upon a lot which was nonconforming at the time this ordinance was adopted even though such lot fails to meet the requirements for area or frontage, or both, that are generally applicable in the district. However, dimensional requirements other than those applying to area or frontage (or both) of the lots shall conform to the regulations for the district in which such lot is located. Variances must be obtained from the Board of Adjustment as described in Section 404 of this ordinance.
- 405.4** The Board of Adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes it nonconforming was adopted, nor permit a change from one nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification.
- 405.5** Should any nonconforming structure or nonconforming portion of a structure be damaged, destroyed, or demolished by any means, it may be reconstructed or repaired, but not to exceed the number of cubic feet existing in it, and not to extend or enlarge the scope and area of its operation prior to its damage, destruction, or demolition.

### **405.6 Administrative Review**

The Board of Adjustment shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the land use regulations. Such appeal shall be made within thirty (30) days.

### **405.7 Procedure for Appeals to the Board (KRS 100.261).**

Appeals to the Board of Adjustment may be taken by any person or entity, claiming to be injuriously affected or aggrieved by an official action or decision of

the Codes Enforcement Officer. Such appeal shall be taken within thirty (30) days after the appellant or his agent receives official notice of the action, by filing with said officer and the board a notice of appeal specifying the ground thereof, and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the board, any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard. The board will rehear an appeal only in cases where new evidence is available, or where the appealing person or entity desires a complete transcription for the court record.

#### **405.8 Public Notice of Appeal Hearing**

The board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Codes Administrator at least one week prior to the hearing, and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or be represented by an attorney.

### **406 LAND USE CLASSIFICATION AND DESIGNATION**

#### **406.1 CLASSIFICATION OF LAND USES**

1. **Principal or Primary** - These are uses that are deemed to be most appropriate, and are permitted outright in a district without further review by the planning commission or the board of adjustment.
2. **Conditional Uses** - These are uses that may or may not be appropriate in a district, dependent upon the situation. These uses may call for restrictions on location, size, extent, and character of performance in addition to those already imposed by the ordinance, and require review and permitting by the board of adjustment.
3. **Accessory Uses** - These uses are subordinate to the principal use of the land or structure, and serve purposes that are incidental to the principal use. Accessory uses do not require any further review by the planning commission or the board of adjustment.

If a specific use is not listed, the closest related use will serve as the appropriate use category as determined by the planning commission. If the planning commission cannot make this determination, then the use in question will be considered a conditional use to be reviewed by the board of adjustment.

## **406.2 LAND USE DISTRICTS:**

Land use districts are areas of land use in which more specific land use categories are identified. There are thirteen (13) land use districts within the City of Corbin, each of which is described below with the purpose it is designed to serve.

### **406.21 Residential Districts**

Residential districts are established to provide suitable sites and surroundings for housing. The ordinance recognizes that there should be a diversity of settings in order to meet individual housing preferences.

**Low Density Single-Family Residential District (R-1)** - The purpose of the R-1 district is to establish and preserve low to medium density single-family residences. Density shall not exceed 3.5 dwellings per gross acre.

**Two Family Residential District (R-2)** - The purpose of the R-2 district is to establish neighborhoods of single and two-family (duplex) homes free from other uses which are not compatible to the residents of the area. Density shall not exceed 7.2 dwellings per gross acre.

**High Density Residential Multi-Family Residential District (R-3)** - The purpose of the R-3 district is to establish and preserve high-density (multi-family) residential areas excluding uses which are not compatible with residential use, but permitting certain non-residential uses which are of particular convenience to residents of the district. Density shall not exceed 18.5 units per gross acre.

**Residential/Office Districts (R-4)** - The purpose of the R-4 district is to allow the conversion of existing older residential areas of the city, where larger houses have been or can be converted from residences to low-intensity professional office uses in order to extend the economic life of these structures, and to allow the owner to justify the expenditures for repairs and modernization. For more detailed requirements, see Section 410, Supplementary Regulations.

**Residential/Rural Residential District (R/R)** - This zone is designed to provide for a mixture of single-family residential and rural/agricultural land uses. It is suitable for newly annexed areas. Emphasis is placed on low density residential and agricultural uses along with maintaining open spaces.

**Mobile Home Park/Community District (MP)** - The purpose of the MP district is to encourage the development of mobile home parks in a well-planned environment. Such districts shall abut upon an arterial or collector street. The minimum site area shall be five (5) acres. Mobile home parks shall comply with regulations of the Kentucky Mobile Home and Recreational Vehicle Park Law as derived from Chapters 219.310 to 219.410 of K.R.S. For more detailed requirements, see Section 410, Supplementary Regulations.

**Planned Unit Development (PUD)** - The PUD district is established to allow flexibility in residential design and development. It is a zoning concept that may be applied to any residential district. The primary use in the district is residential, but there is an allowance for neighborhood commercial activity. The minimum site area requirement is one (1) acre, and the maximum allowable density is 18.5 dwelling units per gross acre. For more detailed requirements, see Section 410, Supplementary Regulations.

#### **406.23 Business (Commercial) Districts**

Business districts are established to provide suitable sites and surroundings for a variety of commercial activities. The ordinance recognizes that the different types of commercial areas are best suited for certain land and structural uses. Three different types of commercial districts are identified:

**General Business District (C-1)** - The purpose of the C-1 District is to encourage the establishment of areas for highway business uses only. This district is specifically designed to serve the motoring public. C-1 districts are generally located at intersections or interchange areas along major arterials or interstate highways. Strip development is not encouraged.

**Central Business (C-2)** - The purpose of the C-2 (downtown) District is to accommodate and encourage further expansion and renewal in the historical business core area of the city. A variety of business, governmental, residential, and other related uses are provided in an effort to provide the mix of activities necessary to establish a truly urban character.

**Planned Shopping Center District (C-3)** - The purpose of the C-3 District is to encourage the establishment of large, clustered, planned areas for business use. The ordinance recognizes different levels of shopping centers designed to meet the needs of variable sized markets.

**Neighborhood Shopping Center** - This shopping center provides for neighborhood convenience goods. Neighborhood centers shall be located at the intersection of two collector or major arterial streets, and have access to both streets. The minimum area required for a neighborhood shopping center shall be five (5) acres.

**Community Shopping Center** - This center provides for shopping goods on a community-wide basis. These centers shall be located at the intersection of two major arterial streets and have access to both streets. The minimum area required for a community shopping center is fifteen (15) acres.

**Regional Shopping Center** - This center provides shopping goods for the entire community plus areas beyond the city limits. A regional shopping center shall be located at the intersection of major arterials or expressways.

#### **406.24 Industrial Districts**

There are two types of industrial districts, I-1 (light industry) and I-P (industrial park), established to meet the purposes as set forth below.

No industries shall be allowed to create on-site conditions such as excessive noise, odor, smoke, dust, or glare that will have detrimental effects on surrounding property.

**Industrial Zone District (I-1)** - The purpose of the Industrial Zone District is to encourage the development of manufacturing and wholesale business establishments which are relatively small in scale, normally operate entirely within enclosed structures, and generate little industrial traffic. Research type activities are encouraged. This district is further designed to act as a transitional use between heavy industrial uses and other less intensive business and residential uses.

**Industrial Park District (IP)** - The purpose of the IP District is to encourage the development of major manufacturing, processing, warehousing, and major research and testing operations. These activities require extensive community facilities and reasonable access to arterial highways; they may have extensive open storage and service areas, and generate heavy traffic. However, this is not to restrict or discourage the development of manufacturing and wholesale business establishments relatively small in scale as outlined in Light Industrial District I-1.

#### **406.25 Public and Semi-Public District (P-1)**

The purpose of this district is to provide suitable sites and surroundings for public and semi-public land uses. In order to be included in this district, the site must have a minimum of five (5) acres.

State and federal agencies are not required to submit their development plans to the planning commission for review. However, they are required to provide information on the proposed development so that the city may include the project in their overall plans.

**406.3 USES ALLOWED AND DIMENSIONAL REQUIREMENTS** - The following table provides information on the uses allowed in residential districts, along with dimensional requirements.

#### **Residential**

<b><u>Uses Allowed:</u></b>	<b><u>R-1</u></b>	<b><u>R-2</u></b>	<b><u>R-3</u></b>	<b><u>R-4</u></b>	<b><u>R/R</u></b>	<b><u>MP</u></b>	<b><u>PUD</u></b>
Single-Family Dwellings (includes modular homes but not mobile homes)	P	P	P	P	P		P

Two-Family Dwellings	P	P					
Multi-Family Dwellings		P					
Mobile Homes						P	
Rooming/Boarding Homes	C	P					
Tourist Homes (includes bed and breakfast homestays)	C	C	P		C		
Dormitories		C					
Fraternity/Sorority Houses	C	C					
Day-Care and Nursery Facilities	C	C					
Home Occupations <sup>1</sup>	P	P	P	P	P		
Gardens, Horticultural Activities (non-commercial)	A	A	A		A	A	A
Private Swimming Pools, Satellite dishes 3	A	A	A		A	A	A
Churches and Related Church Uses	C	P	P		C		
Civic/Charitable Organizations	C	P	P				
Parks, Playgrounds, Playlots	C	P	P				
Golf Courses	C	P	P		P		
Libraries		C	C				
Barber/Beauty Shops			C		C		
Laundromats, Snack Bars, Newsstands			C		C		
Townhouses		P					P
Agricultural Uses					P		
Roadside Produce Stands					C		
Private Cemeteries, Nurseries					C		

A = Accessory Use; C = Conditional Use; P = Principal Use

Note: Blank spaces indicate that the use is not allowed in that district. In addition, uses not listed are not allowed.

<sup>1</sup>Home occupations must meet the requirements spelled out in definitions. (Exempt: on-line business, etc. if no physical customers, sign, or traffic.) See definitions page 98.

<sup>2</sup>Storage buildings and related structures shall be limited to two (2) per lot. They must be located in the rear yards, and set back at least ten (10) feet from the property lines.

<sup>3</sup>TV satellite dishes shall be located in the rear yards, set back from the property lines at least 10 (ten) feet, and shall not exceed twenty (20) feet in height.

<sup>4</sup>PUDs may include limited C-3 (planned commercial) uses. The selling of alcohol for other than medicinal purposes, sexually oriented businesses, or any other businesses determined by the Planning Commission not to be community / residential oriented are not allowed.

<b><u>Dimensional Requirements:</u></b>	<b><u>R-1</u></b>	<b><u>R-2</u></b>	<b><u>R-3*</u></b>	<b><u>R-4</u></b>	<b><u>R/R**</u></b>	<b><u>MP</u></b>	<b><u>PUD</u></b>
Minimum Building Site (sq. ft.)	12,500	6,000	5,000	5,000	.5/1 acre	5 acre	1 acre***
Maximum Building Height (ft)	35	35	65	35	35/40	20	65
Minimum Front Yard (ft.)	25	25	25	20	25/35	10	25
Minimum Rear Yard (ft.)	20	20	20	20	20/25	15	20
Minimum Side Yards (ft.)	10	10	5	10	10/20	10	15

\* For the first dwelling unit (3 units), the minimum building area is 5,000 sq. ft. For each additional apartment unit, the following conditions must be met: an additional 2,500 sq. ft. of building area for each additional 2/3 bedroom unit, 2,000 sq. ft. for each additional one bedroom unit, and 1,800 sq. ft. for each additional efficiency unit.

\*\* The Residential/Rural district dimensional requirements differ for single-family residences and other uses. The first figure given is for residences; the second figure is for other uses.

\*\*\* Minimum site for PUD is one acre; for individual lot, 5 acre. No alcohol sales or sexually oriented businesses allowed in PUD. See Page 47.

### **Uses Allowed:**

### **Business Districts**

	<b><u>C-1</u></b>	<b><u>C-2</u></b>	<b><u>C-3</u></b>	<b><u>R-4</u></b>
A. Utilities, Transportation, and Communications				
1. Trucking/Movers	P			
2. Post Office	P		P	
3. Telephone Company	P	P	P	
4. Telegraph Office	P	P	P	
5. Radio and Television Stations	P	P	P	
6. Utility Companies	P	P	P	
7. Bus Lines	P	P	C	
8. Taxicabs	P	P	C	
9. Air Cargo Service	P	P	C	
B. Wholesale Trade				
1. Durable (motor vehicles, furniture, hardware, etc.)	P	P		
2. Non-Durable (paper, food, etc.)	P	P		

### C. Retail Trade

1. Building Materials, Hardware, Home Improvements, etc.	P	P	P
2. Farm Supplies/Equipment	P	P	P
3. General Merchandise (department stores, variety stores, etc.)	P	P	P
4. Food Stores (grocery, bakery)	P	P	P
5. Vehicle Dealers (autos, boats, trucks, motorcycles)	P		P
6. Trailers, Mobile Homes, RVs	P		
7. Apparel and Accessories (clothing, shoes, bridal, etc.)	P	P	P
8. Furniture, Furnishings, and Appliances	P	P	P
9. Office Supplies and Equipment	P	P	P
10. Eating and Drinking Places* (restaurants, cafes, cafeterias)	P	P	P
11. Bars, Nightclubs, Lounges, etc.*	P	P	P
12. Liquor Stores*	P	P	P
13. Drugstores (pharmacies)	P	P	P
14. Used Merchandise, Antiques, Pawn Shops	P	P	C
15. Sporting Goods, Gun Shops	P	P	P
16. Bookstores, Newsstands	P	P	P
17. Jewelry	P	P	P
18. Auto Parts, New Tire Sales	P	P	P
19. Florists	P	P	P
20. Pet Shops	C	C	C
21. Bicycle Shops	P	P	P
22. Monument Sales	P	P	
23. Glass Sales	P	P	
24. Ice	P		P
25. Musical Equipment/Supplies	P	P	P



26. Commercial Nursery	P		A	
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\*Subject to guidelines and definitions specified in City of Corbin Ordinance 8-2003 & 1- 2004

#### D. Finance, Insurance, and Real Estate

1. Banks	P	P	P	
2. Credit, Savings/Loans	P	P	P	
3. Security/Commodity Brokers	P	P	P	
4. Insurance	P	P	P	P
5. Real Estate	P	P	P	P
6. Investment Offices	P	P	P	P

#### E. Personal Services

1. Laundry, Cleaners	P	P	P	
2. Photo Studios	P	P	P	P
3. Beauty/Barber Shops	P	P	P	
4. Shoe Repair	P	P	P	
5. Funeral Services/Morgue	P	P		
6. Travel Services	P	P	P	P
7. Health Club, Spa, etc.	P	P	P	

#### F. Business Services

1. Advertising/Public Relations	P	P	P	
2. Credit Bureau	P	P	P	
3. Steno/Typing, Answering	P	P	P	
4. Printing, Copying	P	P	P	
5. Janitorial/Maintenance	P	P	C	
6. Computers, Data Processing	P	P	P	
7. Rentals (Merchandise)	P	C	C	
8. Rentals (Equipment)	P	C	C	
9. Research, Testing	P	P		
10. Mini Warehouses	P	C		

**Uses Allowed:****Business Districts**

	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>R-4</b>
G. Auto Repair				
1. Used Tire Dealership	P		C	
Note: All tires, regardless of number, must be stored in a closed approved building.				
2. Services and Garages	P		C	
H. Miscellaneous Repair				
1. Electrical, Electronic	P	P	P	
2. Watches, Clocks, Jewelry	P	P	P	
3. Reupholstery	P	P	P	
4. Air Conditioning, Machines, etc.	P	P	P	
I. Amusement, Recreation				
1. Theaters	P	P	P	
2. Bowling/Billiards	P	P	P	
3. Skating	P	P		
4. Riding Stables	C			
5. Other	C	C	C	
J. Health Services				
1. Physicians, Dentists	P	P	P	P
2. Others (Chiropractors, Optometrists, etc.)	P	P	P	P
3. Hospitals	P			
4. Medical/Dental Labs	P	P	P	
5. Nursing, Personal Care	P	P	P	
6. Clinics	P	P	P	
K. Legal Services	P	P	P	
L. Educational				
1. (Including Business and Professional)	P	P	P	P
2. Dance Studios, Acting, Music	P	P	P	P

## M. Social Services

1. Welfare Office	P	P		
2. Nursing Facility	P	P		
3. Treatment Centers	P	P		
4. Day Care- Children & After School	C	C	C	C

## N. Architects, Engineers, etc.

P P P P

## O. Contract Construction

C C C

## P. Business, Civic, Professional Clubs

P P P

## Q. Veterinary Offices

C C

## R. Government Services (city-county offices, fire/police, schools, courts, auditoriums, libraries, etc.)

P P P

## S. Churches

P P P

## T. Residences

1. Multi-Family and Duplexes <sup>1</sup>	P	P	C
2. Loft (Walk-Up) Dwellings	P	P	C
3. Motels	P	P	C
4. Hotels	P	P	C

<sup>1</sup> Multi-family dwellings and duplexes are allowed as regulated in Sections 406.2 and 406.3.

\*R-4 is a residential district that allows a limited amount of commercial activity

## **Dimensional Requirements:**

	<b><u>C-1</u></b>	<b><u>C-2</u></b>	<b><u>C-3</u></b>
Minimum Building Site	No Limit	No Limit	5 Acres
Minimum Building Height (ft.)	No Limit	No Limit	No Limit
Minimum Lot Width (ft.)	25	25	None
Minimum Front Yard (ft.)	20	None	None
Minimum Rear Yard (ft.)	10	None	None
Minimum Side Yard (ft.)	None	None	None

## **Industrial**

## **Uses Allowed:**

	<b><u>I-1</u></b>	<b><u>I-P</u></b>
Food and Related Products	C	P
Textile Products	C	P
Wearing Apparel (leather, fabrics, etc.)	P	P
Lumber and Wood Products	P	P
Furniture and Fixtures	C	P
Storage Structures (includes tractor trailers and similar structures)	P	P
Paper and Related Products	C	P

Printing and Publishing	P	P
Transportation Equipment	C	P
Chemicals and Related Products		P
Petroleum		P
Rubber, Plastics		P
Stone, Gravel, Clay, etc.		P
Fertilizers		P
Glass	C	P
Primary Metals		P
Fabricated Metals	C	P
Electronics	C	P
Instruments, Optical Goods, Watches	P	P
Pharmaceutical	P	P
Toys, Novelties	P	P
Beverages, Bottling	C	P

Other related industrial uses will be determined by the Planning Commission's review. If the appropriateness of the use still cannot be determined, it will be considered as a conditional use.

	<b><u>I-1</u></b>	<b><u>I-P</u></b>
<b><u>Dimensional Requirements:</u></b>		
Minimum Building Site (sq. ft.)	10,000	10,000
Maximum Building Height (ft.)	NA	NA
Minimum Lot Width (ft.)	50	50
Minimum Front Yard (ft.)	25	35
Minimum Rear Yard (ft.)	10	15
Minimum Side Yard (ft.)	10	15

### **Public/Semi-Public P-1**

#### **1. Principal Uses Allowed:**

- a. Recreation areas, arenas, stadiums, convention centers
- b. Cemeteries
- c. Schools, colleges, universities
- d. Hospitals, clinics
- e. Airports
- f. Golf courses
- g. Government complexes
- h. Entertainment Facilities
- i. Event Centers
- j. Restaurants, cocktail lounges and nightclubs with entertainment, dancing and/or sale of malt beverages, wine or alcoholic beverages
- k. Motels, hotels and extended-stay hotels

- l. Indoor amusements such as billiard or pool halls, skating rinks, theaters or bowling alleys
- m. Athletic club facilities
- n. Drive-in restaurants provided that all outside food services shall be at least one hundred (100) feet from any residential zone
- o. Animal hospitals or clinics, including offices of veterinarians
- p. Grandstands and facilities associated with horse race tracks with allotted race meets, including simulcast facilities, historical or instant racing based upon pari mutual wagering, accessory restaurants and/or the serving of alcoholic beverages
- q. Horse sales establishments
- r. Commercial composting
- s. Offices for business, professional and governmental services
- t. Computer and data processing centers
- u. Banks, credit unions and other lending institutions
- v. Gas stations
- w. Establishments for retail sales of merchandise
- x. Other related facilities/areas

Where a **P-1 district** is contiguous to any residential district, the P-1 property in question should maintain the minimum setback lines found in the most restrictive adjacent district.

**2. As Accessory (clearly incidental and subordinate) uses:**

- a. outdoor patios, when accessory to any permitted restaurant
- b. Conference centers, banquet facilities and convention facilities when accessory to a hotel or motel

## **407 PARKING REQUIREMENTS**

### **407.1 General**

No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces (if applicable) have been provided in accordance with provisions of this ordinance.

These provisions shall not apply to existing buildings or structures except where there has been a change of use. Where the new use involves additions or enlargements, additional parking spaces shall be provided as required by this ordinance.

Whenever a building or structure constructed after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of housing units, seating capacity, or otherwise, to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided. If an existing building or structure is enlarged by fifty (50) percent or more in terms of the above characteristics, said building or structure shall comply with the full parking requirements set forth in this ordinance.

## **407.2 Location of Parking**

Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.

Parking spaces for apartments, dormitories, or similar residences shall be located adjacent to the principal use. Parking spaces for commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principal use. Parking lots farther than seven hundred (700) feet from the principal use may be approved by the Planning Commission.

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital or other institution for human care located on an adjoining lot unless separated by an acceptable screen. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.

## **407.3 Parking Space Requirements**

The number of parking spaces required for selected land use activities along with the criteria for determining the spaces are indicated below. If a particular use is not included in the list, the Codes Administrator will determine the requirements based on the land use most closely related to the one in question.

### **Residential**

Single-family and two family	2 per dwelling unit
Multi-family	1 per bedroom + 1 guest space per each two units
Group quarters	3 spaces for every 5 beds
Homes for senior citizens	1 per 2 beds

### **Commercial**

Automobile repair	2 spaces per service bay (excluding the bay) + one space per employee, and 1 space per employer vehicle
Automobile sales	1 space per 400 sq. ft. of net floor area of sales, shop and garage, + 1 space per employee
Banks, Financial Institutions	1 space per 200 sq. ft. of net floor area + stacking spaces for drive through
Car Wash	5 stacking spaces per lane for automatic; 4 stacking spaces + 2 drying spaces per stall

Convenience Store	1 space per 200 sq. ft. of net floor area, +1 space per island, + 1 space per employee
Day Care Center, Child/Pre-School	1 space per employee, + 1 space for each 6 children, +1 space per facility vehicle
Service Stations	1 per pump + 1 per bay + 1 per 200 sq. ft. gross floor area for offices/retail activities
Funeral Homes	1 per 100 sq. ft. gross floor area
Grocery Stores	1 space per 175 sq. ft. of net sales floor area
Health/Fitness Facility	1 space per 200 sq. ft. of net floor area
Hotels, Motels	1 per sleeping room + 1 per employee
Mini-storage Facility	3 spaces + 1 per 100 storage units
Offices (low)*	5 spaces for first 1,000 sq. ft. + 1 space for each 250 sq. ft. of net floor area
Offices (high)*	6 spaces + 1 space per 200 sq. ft. in excess of 1000 sq. ft.
Retail, Sales/Service (high)*	1 per 200 sq. ft. gross sales floor area
Retail, Sales/Service (low)*	1 per 400 sq. ft. gross floor area
Restaurants, sit-down	1 per 150 sq. ft. gross floor area
Restaurants, drive-through	5 stacking spaces per lane
<b><u>Entertainment/Recreation</u></b>	
Bowling Alley	4 per lane + 1 per 100 sq. ft. gross floor area for other uses
Theaters	1 space per 3 seats
Sports Arena, Stadiums	1 space per 3 seats
Parks, Recreation Areas	4 spaces per acre
Golf Courses	4 per golf hole + 1 per 250 sq. ft. gross floor area of pro-shop, concession, etc.

**Public/Semi-public**

Libraries, Museums	1 per 400 sq. ft. gross floor area
Elementary/Middle Schools	1 space for each 3 auditorium seats, or 1 space per classroom (whichever is greater)
High School	1 per employee + 1 per 6 students + 12 visitor spaces
Vocations/Technical	1 per employee + 1 per 2 students
College/University	1 per employee + 1 per 4 students
Government Buildings	1 per 250 sq. ft. + 1 per 4 patrons (whichever is greater)
Police/Fire Stations	1 per employee on maximum shift + 1 per facility vehicle + 1 per 250 sq. ft. of net floor area
Civic Clubs, Related Activities	1 per 50 sq. ft. of net floor area
Churches/Places of Worship	1 per 4 seats in sanctuary
Hospitals/Clinics	2 spaces per bed or 1 space per 150 sq. ft. net floor area (whichever is greater)
<b><u>Manufacturing</u></b>	1 per 1 ½ employees on maximum shift + 1 space per facility vehicle and 5 spaces for visitors

\*Where the specific office or retail use is not known, the high traffic volume requirements shall apply

**407.4 Parking Lot Improvements**

The required number of parking and loading spaces, together with driveways, aisles, and other circulation areas, in commercial and industrial parking and loading areas shall be paved and in residential areas other impervious material may be used in lieu of paving to provide a durable and dust-free surface. All parking lots and loading areas shall provide for proper drainage of surface water. The owner of the property used for parking and loading shall maintain the area in good condition, without holes, and free from dust, litter, and other debris. Any parking area that is intended to be used beyond daylight hours shall be properly illuminated. Any lights used to illuminate the parking lot shall be so arranged so as to reflect light away from adjoining property.

Parked vehicles shall not be permitted to hang over a landscape buffer or interior landscaped area more than two and one-half (2 1/2) feet. Curbs or wheel stops shall be provided to prevent excessive overhang.

**407.5 Dimensional Requirements and Access**

A parking space shall provide a minimum rectangular area of one hundred eighty (180) to two hundred (200) square feet, dependent upon the angular orientation of the parking space:



<u>Parking Angle</u>	<u>Parking Space Dimensions (ft.)</u>	
	<u>Length</u>	<u>Width</u>
Parallel	23	9
90 degree	20	9
60 degree	19	10
45 degree	19	12
30 degree	19	12

These dimensions are exclusive of driveways, aisles, and other circulation areas. Circulation areas within the parking lot, as well as entrances/exits, shall have a minimum width of twenty-four (24) feet for two-way traffic and fourteen (14) feet for one-way traffic. Parking lots shall be clearly marked with painted spaces, directional arrows, stop signs, etc. needed to insure orderly and safe traffic flow.

All parking lots shall be designed in such a way that any vehicle entering or leaving the parking area from the street shall be traveling in a forward motion. Access points shall be located so as to be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access point from the street.

#### **407.6 Loading and Unloading Areas**

Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.

The loading and unloading area must be of a sufficient size to accommodate the development in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this section. However, the Codes Administrator may require more or less area if reasonably necessary to satisfy the foregoing standard.

Gross Leasable Area of Building	Number of Spaces*
1,000 – 19,999	1
20,000 – 79,999	2
80,000 – 127,999	3
128,000 – 191,999	4
192,000 – 255,999	5
256,000 – 319,999	6

Plus one (1) space for each additional 72,000 square feet or fraction thereof.

Loading and unloading areas shall be located and designed so that the vehicles using them can: 1) maneuver safely and conveniently to and from a public right-of-way, and 2) complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking area.

No area allocated to loading and unloading may be used to satisfy other area requirements for off-street parking.

\*Minimum dimensions of 12 feet x 55 feet and overhead clearance of 14 feet from street grade required.

## **408 LANDSCAPE REQUIREMENTS**

### **408.1 Purpose**

It is the intent of this section of the ordinance to provide for landscaping techniques that will improve the aesthetic and functional quality of new development, and minimize the friction between different urban land uses.

This section governs the use of trees, shrubs, plants, ground covers, walls, and fences to achieve the following objectives: 1) retard erosion, 2) channel vehicular and pedestrian circulation, 3) protect surrounding property values, 4) reduce the effects of air, odor, visual, and noise pollution, 5) reduce glare from artificial lighting, 6) separate different land use activities, and 7) screen off unsightly activities.

### **408.2 Procedures**

Responsibility of Developer - The landscape buffer easements set forth in this ordinance shall be provided as a condition of development by the owner or developer of the property which creates the different situation.

An owner securing a change in zone which creates a different situation shall be deemed the one who creates such situation and shall immediately provide the buffer areas as a condition of the zone change. If the different situation already exists or is created by a general zone change not sponsored by the property owner, the buffer easement shall be provided as a condition of the approval of any subdivision or further development of the affected land.

Review - Before a development plan is approved, such plans shall be reviewed by the planning commission for compliance with this section of the ordinance.

Enforcement - The requirements of this section will be administered by the planning commission and enforced by the enforcement officer. No occupancy permit shall be issued for a unit until the landscaping for that unit is completed and certified or bonded by the

zoning enforcement officer. It shall be unlawful to occupy any premises unless the required landscaping has been installed or bonded in accordance with the final subdivision plat.

Variances - In such individual situations where, by reason of exceptional topographic, dimensional, shape, or other special site conditions, the enforcement of this section would create an undue hardship on the applicant, he/she may appeal to the Planning Commission for relief from specific provisions.

Location of Landscape Buffer Areas - The placement of landscape buffers shall apply to all common boundaries between different land uses.

Relationship to Yard Requirements - The landscape buffer areas set forth in this ordinance shall be included in the minimum yard requirements of the appropriate zone. If the buffer area is greater than the yard requirement, the yard requirement shall be extended to accommodate the buffer.

Inclusion of Subdivision Plat - Areas to be set aside for landscape buffer areas shall be shown on both the preliminary and final plats and on development plans (as applicable).

Buffer Area Conflicts - Where landscape buffers are required in the same location as utility easements, the two may be combined providing that the total width and screening requirements are met and it is not in violation of any required utility easements.

Provisions of Planting Materials and Barriers - Such trees, shrubs, ground covers, and barriers as required shall be provided by the owner or developer and considered as any other site improvement. Sufficient bond as may be determined adequate to cover the improvements may be required to be posted by the planning commission.

Buffer Specifications - The buffer requirement shall be met by the use of: 1) trees, 2) ground cover, and 3) shrubs or barriers. The buffer easement shall be a minimum of ten (10) feet in width, with trees planted at forty (40) foot intervals; a choice of grass, low shrubs, or mulch as ground cover, and a choice of a six (6) foot continuous hedge or six (6) foot wall or fence.

Parking Areas - Any open vehicular use area containing more than six thousand (6,000) square feet of area or twenty (20) or more vehicular parking spaces shall provide interior landscaping in addition to any required perimeter landscaping. The total amount of area devoted to landscaping shall be equal to five (5) percent of the total parking area. No individual landscape area shall be less than thirty (30) square feet in size, and total landscaping shall not be concentrated in one area. Landscaping shall be approved as part of the development plan.

All planting materials shall be living plants (not artificial) and suitable for the conditions of the site. Plant materials shall conform to the standards of the American Association of

Nurserymen, and shall have passed any inspections required under state regulations. All landscaping materials shall be installed according to accepted good planting and construction procedures. Use should be made of any existing on-site plants as much as possible.

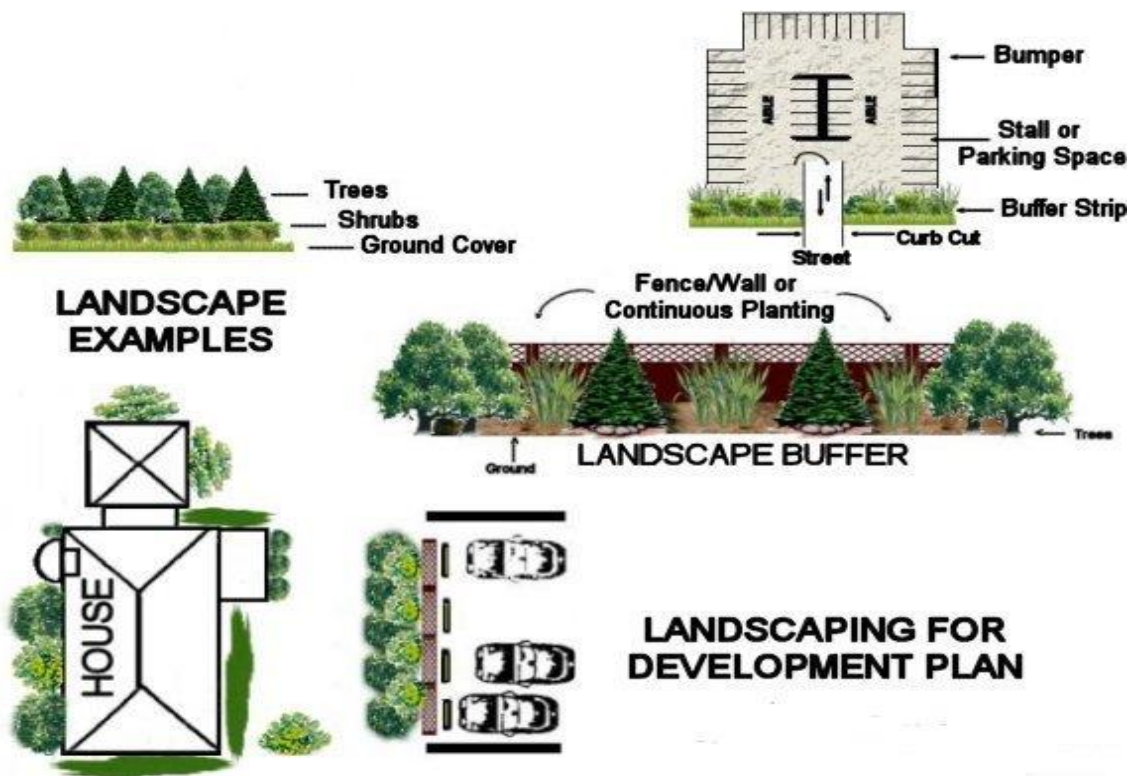
The property owner shall be responsible for the continued maintenance and replacement of all landscaping materials. Landscaped areas shall be kept free of refuse and debris. Any dead materials shall be replaced during the following planting season.

**Buffer Requirements and Examples of Landscaping:**

<u>Adjoining Land Uses</u>	<u>Buffer Width</u>	<u>Trees</u>	<u>Shrubs or Barriers</u>
Single and Two-family Residential	10 feet	1 small or medium tree @ 40 foot intervals	6 foot continuous hedge or 4 foot wall/fence
Single Two-family and Multi-family/Mfg. Home Park/Community	10 feet	1 small or medium tree @ 40 foot intervals	6 foot continuous hedge or 4 foot wall/fence
Multi-family and Mfg. Home Park/Community	10 feet	1 medium or large trees @ 40 foot intervals	continuous hedge or at 10 foot intervals with wall/fence
Single/Two family and Commercial/Industrial or 6 foot wall/fence	15 feet	1 medium or large tree	6 foot continuous hedge or intermittent planting w/wall
Multi-family/ Mfg. Home Park/Community and Commercial/Industrial	10 feet	1 medium or large tree @ 40 foot intervals	6 foot continuous hedge or intermittent planting w/wall or 6 foot wall/fence
Commercial Industrial w/wall, or 4 foot wall/ fence	10 feet	1 medium or large tree @ 40 foot intervals	4 foot continuous hedge or trees at 10 foot intervals
All Land Uses and Freeways/Hwys/RRs	20 feet	1 medium or large tree @ 30 foot intervals	6 foot continuous hedge or 6 foot wall/fence
All Land Uses and Utility stations, landfills	15 feet	1 medium or large tree @ 30 foot intervals	6 foot continuous hedge or 6 foot wall/fence

A combination of shrubs and trees and/or fences and walls may be used to accomplish the screenings of properties. Where there is an existing vegetative screen (along a fence line etc.) the developer may need only to supplement what is already in place. For more specific information on screening buffer requirement see Section 408 of this ordinance.

Parking Area Landscaping. Review of any landscape requirements for parking lots and the intersections of parking lots and streets should pay careful attention to the selection of plants and setbacks to insure vehicular traffic visibility is not impeded.



## 409 SIGNS

### 409.1 Purpose

The purpose of this section is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, billboards, and outdoor signs of all types. It is further the intent of this section to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. Additionally, this section is designed to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, and enhance overall community development.

### **409.2 Permits Required**

No sign (except as excluded in Section 409.3 as follows) may be constructed, erected, moved, enlarged, illuminated, or substantially altered except in accordance with provisions of this section. Mere repainting or changing the message of a sign shall not, in and of itself, be considered a substantial revision.

### **409.3 Signs Excluded from Permitting**

The following signs are exempt from regulation under this section:

1. Signs not exceeding four (4) square feet in area that are normally associated with residential use, such as used for property identification, signs on mailboxes, or signs related to private parking, trespassing, etc.
2. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, informational signs, traffic, or related signs.
3. Official signs of a non-commercial nature erected by public utilities.
4. Flags, pennants, or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.
5. Integral decorative or architectural features of a building or works of art (not containing letters, trademarks, moving parts, or lights).
6. Church bulletin boards or identification signs that do not exceed one per abutting street and sixteen (16) square feet in area, and are not internally illuminated.
7. Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.
8. Signs proclaiming religious, political, or other non-commercial messages that do not exceed one per abutting street and sixteen (16) square feet in area, and are not internally illuminated.
9. Real estate signs indicating property for sale, rent, or lease. Such signs may not exceed four (4) square feet in area and shall be removed immediately after the transaction is completed.
10. Construction site identification signs. Not more than one sign is allowed per site, and it may not exceed thirty-two (32) square feet. Such signs shall not be erected prior to issuance of a building permit and shall be removed within ten (10) days after occupancy.
11. Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within ten (10) days following the holidays.
12. Signs erected in connection with elections or political campaigns. Such signs shall be removed within three (3) days following the election or conclusion of the campaign. No such sign shall exceed sixteen (16) square feet in surface area.
13. Signs indicating a special event, such as a grand opening, fair, carnival, circus, festival, or similar event that is to take place on the lot where the sign is located. Such signs shall not exceed thirty-two (32) square feet. They may not be erected sooner than two (2) weeks before the event and must be

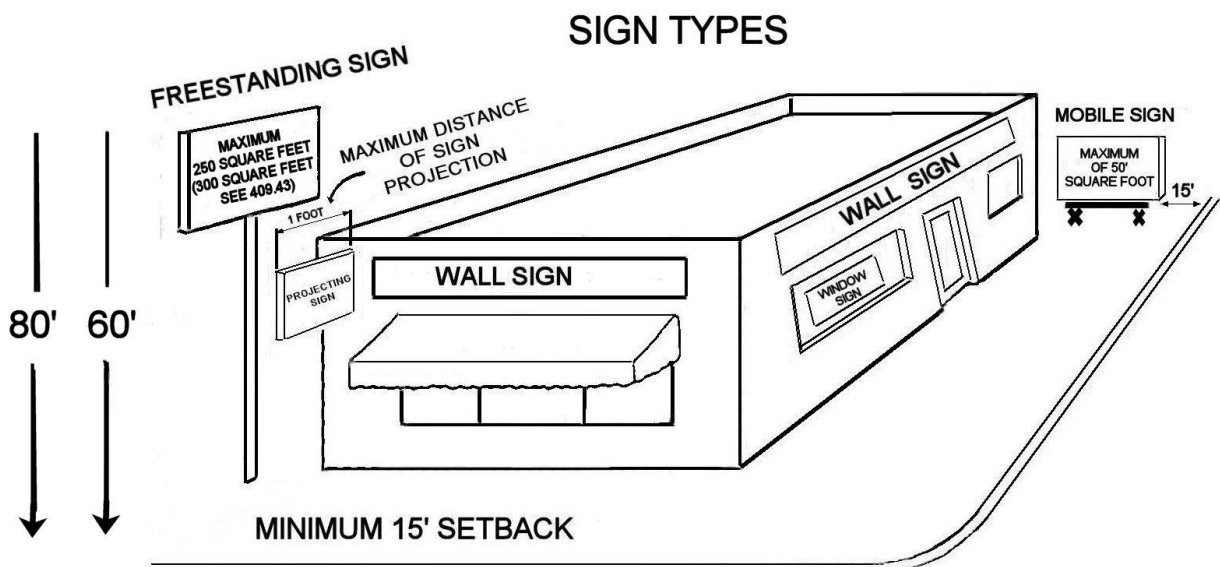
removed not later than three (3) days after the event.

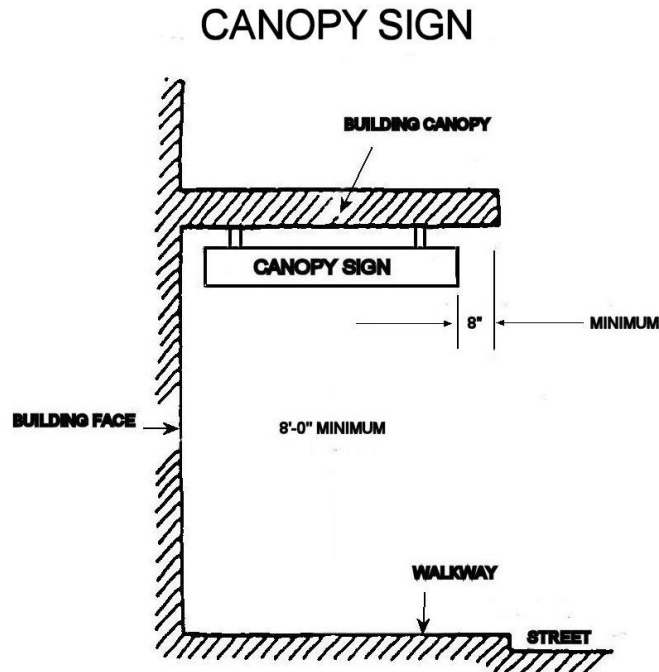
#### 409.4 Sign Standards

Signs subject to permitting shall meet the following standards:

##### 409.41 Types of Signs:

1. Wall or Facade Sign - A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure or sign surface and that does not project more than twelve (12) inches from the building or structure.
2. Freestanding Sign - A sign that is attached to, erected on, or supported by some structure (such as a pole or frame) that is not an integral part of or attached to a building or other structure whose principal function is other than for support of a sign.
3. Internally Illuminated Sign - A sign where the source of illumination is inside the sign and light emanates through the message of the sign rather than being reflected off the surface of the sign from an external source.
4. On-Premise Sign - A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity, that has the majority of its activities/functions taking place on the premises where the sign is located. No on-premise sign shall be allowed for a site that serves a secondary or support role for a business (such as storage). Only on-premise commercial signs shall be allowed within the city limits. No off-premise signs allowed.
5. Temporary Sign - A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to be completed within a reasonably short time (not in excess of 15 days).





#### 409.42 Number of Signs

For the purpose of determining the number of signs, a sign shall be considered to be a display surface or display device containing elements organized, related, and composed to form a unit. A two-sided or multi-sided sign shall be regarded as one sign.

Property having more than one street frontage shall be allowed one freestanding sign per street frontage. A shopping center or other multiple business building shall be limited to one freestanding sign per street frontage. An outlet within a shopping center shall be allowed a separate freestanding sign.

Each individual business shall be allowed one wall sign per street frontage.

409.43 Sign Dimensions - In commercial and industrial zones, each business or industry shall be permitted one wall sign per street frontage. The dimensions of the wall sign shall not exceed one and one-half (1 1/2) square feet of sign area for each linear foot of building space for the individual business or industry. Where two street frontages are involved, the total area of wall signs shall not exceed two hundred and fifty (250) square feet.

The maximum surface area of a freestanding sign shall be two hundred and fifty (250) square feet, with the exception of a commercial area that is within sight or within 2000 feet, whichever is greater, of the interstate right-of-way, here the maximum sign surface area shall not exceed three hundred (300) square feet.

The maximum height of freestanding signs shall be sixty (60) feet, except in a



commercial area that is within sight or within 2000 feet, whichever is greater, of the interstate right-of-way, where the maximum height shall be eighty (80) feet.

#### **409.5 Setback Requirements**

A freestanding sign shall conform to the appropriate setback requirements of the zoning district in which it is located. If there is no minimum yard requirement indicated, the minimum setback from the street pavement edge shall be fifteen (15) feet. At the intersection of major collector or arterial streets, the minimum setback for signs will be twenty (20) feet from the right-of-way line.

#### **409.6 Temporary Signs**

All temporary signs not excluded in Section 409.3 shall require a permit. No temporary sign shall exceed fifty (50) square feet in display area. Mobile or portable signs are a special type of temporary sign and must meet the following requirements:

1. Mobile signs shall be permitted in C-1, C-2, I-1, and I-2 districts.
2. Mobile signs shall not extend higher than eight (8) feet above the surface on which they are located.
3. Mobile signs shall not be placed in such a way as to create a safety hazard or impede traffic flow. They shall not be placed any closer than fifteen (15) feet to the edge of the pavement.
4. Each individual business or individual parcel of property shall be permitted only one mobile sign.
5. Mobile signs shall meet all requirements of other sections of this ordinance and related codes as applicable.
6. Mobile signs may be allowed by permit one time per premise for a period not to exceed sixty (60) days.

#### **409.7 General Requirements**

In addition to the requirements above, all permitted signs in the city shall adhere to the following regulations:

1. All wiring, fittings, and materials used in construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Safety Code (most recent edition).
2. Illuminated signs shall emit light of a constant intensity. Signs that provide weather, time, civic announcements, and public information, and change copy

electronically are permissible signs however, the Departments of Codes and Planning will require a Construction Permit as with any other proposed sign. If such signs create a traffic or safety hazard, as determine by the Department of Codes and Planning, the Department will be allowed to restrict usage of the sign.

3. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than one foot. No sign shall be placed on the roof of any building so as to project beyond the front or face of the building.
4. No sign or part thereof shall consist of banners, ribbons, streamers, spinners, or similar moving devices. If allowed in conjunction with the observance of holidays, blinking lights shall not be placed in such a manner as to create a safety or traffic hazard.
5. No sign shall be installed, erected, or attached in any form, shape, or manner to a fire escape or door so as to interfere with access.
6. Any sign that is found to be non-conforming with these regulations at the time of their adoption shall meet the requirements of Section 302.7 dealing with non-conforming uses and structures.
7. The only signs allowed in residential districts are those described in Section 409.3. One sign may be used to identify a home occupation, and shall not exceed four (4) square feet in size.
8. Canopies shall be allowed in commercial areas provided they are at least eight (8) feet above the sidewalk and do not extend any closer than eight (8) inches to the pavement edge. If a support is used, it must be within eight (8) inches of the pavement edge.
9. Should any sign be or become unsafe, be in danger of falling, or be in need of repainting or other repair, the owner thereof, or the person maintaining the sign, shall upon receipt of written notice from the Codes Administrator proceed at once to put said sign in a safe and secure condition, or remove the sign. Signs which are non-conforming at the time of this ordinance shall be allowed to remain. However, no non-conforming sign shall be enlarged or expanded. Once a non-conforming sign has been removed, falls, or is destroyed, it shall be replaced only with a sign conforming to the requirements of this ordinance.

## **410 SUPPLEMENTARY REGULATIONS**

### **410.1 Residential Areas**

#### 410.11 Mobile Home Parks/Communities (MP) -

Mobile home parks shall be located only in the MP District and shall be developed according to the following standards:

- a. It will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and its use will not change the essential character of the area.
- b. It will not be hazardous or detrimental to existing or future neighboring uses.
- c. It will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, waste disposal, and schools.
- d. It will be consistent with the intent and purpose of this ordinance and the Comprehensive Plan.
- e. It will have vehicular approaches to the property which shall be designed so as not to create any interference with traffic on surrounding public streets or roads.
- f. It will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.

Applications - Applications for a permit to construct or alter a mobile home park shall be made in writing to the appropriate state agency and the city's code administrator and shall contain a complete plan, drawn to scale, submitted in triplicate, and showing the following items:

- a. The name and address of the applicant.
- b. The name and location of the park.
- c. The dimensions and topography of the site.
- d. The number and size of all mobile home lots.
- e. The area of each lot intended for the mobile home with setback lines shown.
- f. A detailed drawing of the foundation for placement of mobile home within the stand.
- g. Location and width of roadways, driveways, and walkways.
- h. Number, location, and size of all off-street parking spaces.
- i. The location of all utilities with size of lines (as needed), detailed drawings of water supply (if other than public), and detailed drawings

(with specifications) of sewage disposal facilities. All sewage and waste matter shall be disposed of into a public sewerage system. The permit holder is responsible for storage and disposal of solid waste. The storage, collection, and disposal of solid waste shall be handled in such a way as not to create any health hazards.

- j. Individual mobile homes located within the park shall have a minimum floor area of seven hundred and twenty (720) square feet.
- k. A separate floor plan of all buildings and other improvements to be constructed.
- l. Size and location of any playground area if being provided.
- m. Evidence of compliance with the Comprehensive Plan and this ordinance.
- n. Payment of required fees.
- o. Such other information as the Planning Commission might require.

Location and General Layout:

- a. The mobile home park shall be located on a well-drained area, not subject to recurring flooding, and the premises shall be properly graded for drainage.
- b. The mobile home park shall abut a collector or arterial street.
- c. Each mobile home/lot shall be numbered and displayed in some systematic order.
- d. Each mobile home lot shall be a minimum of 4,000 square feet in area.
- e. Mobile homes shall be separated from each other and other structures by a minimum of fifteen (15) feet.
- f. All mobile homes shall be located at least twenty-five (25) feet from any street right-of-way, and at least twenty (20) feet from any other park boundary.
- g. Each mobile home shall be set back from a park street or common parking area a minimum distance of twenty (20) feet.
- h. The park shall provide a recreational area which shall be easily accessible to all park residents and free of traffic hazards. A minimum of one hundred and fifty (150) square feet of usable recreational space shall be provided for each mobile home park lot.
- i. All lots shall abut upon a park street. The minimum width of a two-way park street shall be twenty-seven (27) feet, and fourteen (14) feet

for a one-way park street. Additional street width may be required where on-street parking is to be allowed.

- j. Park streets, driveways, and walkways shall be paved according to city specifications, maintained in good condition, have good natural drainage, and be relatively free of dust.
- k. The area of the mobile home stand shall be improved to provide an adequate concrete foundation for the placement of the mobile home. The mobile home stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, or other forces acting on the super-structure. All mobile homes shall be equipped with tie-downs as recommended by the Mobile Home Manufacturer's Association.
- l. A dwelling/office for caretaker or manager is allowable provided it meets the applicable sections of this ordinance.

Permits and Occupancy - The Codes Administrator shall not issue a building permit until written authorization is received from the Planning Commission. In addition, the applicant cannot begin construction until a valid construction permit has been obtained from the appropriate state agency.

The Codes Administrator shall issue a certificate of occupancy only after he has determined that the mobile home park has been prepared according to all applicable regulations. A certificate of occupancy shall be issued on each mobile home. The applicant must also obtain a valid permit to operate from the appropriate state agency.

Any mobile home park presently holding a valid construction or operating permit on the effective date of this regulation which does fully meet these design and construction requirements may continue to operate so long as the facilities in the park are capable of being maintained in a safe and sanitary manner.

Other Requirements - Regulations pertaining to uses and dimensional requirements, parking, and supplementary requirements, not covered in this section, are covered in other appropriate sections of the ordinance.

#### **410.12 Planned Unit Developments (PUD) -**

The PUD district is established to allow flexibility in residential design and development. It is a zoning concept that may be applied to any residential district. The primary use in the district is residential, but there is an allowance for neighborhood commercial activity. The

minimum site area requirement is one (1) acre, and the maximum allowable density is 18.5 dwelling units per gross acre.

### Objectives

- a. To provide a maximum of living environments by allowing a variety of housing and building types and permitting an increased density (if applicable), reductions in lot dimensions, yards, and area requirements.
- b. To provide a more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of selected commercial uses and services. The selling of alcohol for other than medicinal purposes, sexually oriented businesses, or any other businesses determined by the Planning Commission not to be community / residential oriented are not allowed.
- c. To allow a development pattern which preserves and utilizes natural topographic and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
- d. To encourage a more efficient use of land than generally is achieved through conventional development, resulting in substantial savings through shorter utility lines and streets.
- e. To create a development pattern in harmony with land use density, transportation facilities, and the community facilities objectives of the Comprehensive Plan.

The City is prepared to accept a greater population density in undeveloped areas than that reflected by present zoning, provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the development plan.

### Provisions

Because of the special characteristics of planned unit developments, special provisions are required. Whenever there is a conflict or difference between the provisions of this section of the ordinance and other sections of the ordinance, the provisions of this section shall prevail for planned unit developments. Subjects not covered by this section shall be governed by the respective provisions found elsewhere in this ordinance.

- a. Compatible residential, commercial (C-3 district), public, and semi-public

Uses may be combined, provided the proposed location of the commercial activities will not adversely affect adjacent property, or the health, safety, and general welfare of the public. The Planning Commission may place limits on the amount of commercial development, and shall not allow the development of commercial areas until completion of the residential areas. When commercial use is allowed, the developer will submit a market analysis.

- b. Lot area per dwelling unit may be reduced to not less than nineteen hundred (1,900) square feet, with a minimum lot width of twenty (20) feet and setback lines of twenty-five (25) feet in the front and twenty (20) feet in the rear.
- c. Spacing between the exterior walls of side buildings shall be at least fifteen (15) feet.
- d. Notwithstanding the other provisions of this ordinance, every lot abutting the perimeter of the planned unit development site shall maintain all yard requirements specified by the applicable zoning district.
- e. Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. Where townhouses are being used, there shall be no more than eight (8) individual units in a contiguous cluster.
- f. The project land shall be owned, leased, or controlled either by a single person or corporation. Such ownership may be public or private.
- g. A minimum of twenty (20) percent of the land developed in any planned development project shall be reserved for common open space and recreational facilities to be provided for the residents or users of the area being developed, as determined by the planning commission.
- h. Underground utilities are recommended within the limits of the PUD (if practical). Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed development project.

#### Procedure

All proposed PUDs shall follow the procedures for subdividing land. Since the PUD involves zoning, the Planning Commission shall hold a public hearing following consideration of the preliminary plat in order to recommend the necessary zoning change. If approval is given to the preliminary plat, and the zoning request, the

developer may proceed with activities leading to final plat approval. Upon final approval by the City Commission, the Official Zoning Map shall be changed for the area involved with the notation "PUD" given to that area.

A building permit and certificate of occupancy shall be required for each building in accordance with this ordinance. Approval of a PUD shall expire if no substantial work on the site has begun within one (1) year of original approval of the preliminary plat, and if the project is abandoned for more than twelve (12) months. Abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved plat. All approved PUD plats shall be recorded in the County Clerk's office.

**410.13 RESIDENTIAL – OFFICE DISTRICTS (R-4)** – The purpose of the R-4 district is to allow the conversion of existing older residential areas of the city where larger houses have been or can be converted from residences to low- intensity professional office uses in order to extend the economic life of these structures and allow the owner to justify the expenditures for repairs and modernization.

**Residential-Office Standards**

- a. It will be designed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the residential area.
- b. It will not be hazardous or detrimental to existing or future neighbor in uses.
- c. It will have interference with traffic on surrounding public streets.
- d. It will not result in the destruction, loss, or damage off natural, scenic, or historic features.

The following minimum design standards shall be met in the development of Residential-Office (R-4) establishments. The Planning Commission reserves the right to require any additional requirements, waive such requirements, or after approval, revoke the zone change, if in its judgment it would be in the public's best interest or would eliminate undue hardships.

**Guidelines for the Residential – Office District (R-4)**

**Buffer Zone:** Buffer zones or yards must extend at least ten (10) feet around the perimeter of the property requesting an R-4 classification to protect the feel of a traditional neighborhood. Landscaping, as described below, is to be incorporated into this area.

**Landscaping:** Screening in the side and rear yards is required to protect neighbors against visual and auditory disruption. Landscaping in the side or rear yard should form an effective screen and shall be so dense and compact that an individual standing on the adjacent property will not be able to see through the screening material during any season



of the year, (a privacy fence may be used in conjunction with such plantings). The minimum screening height shall be six (6') feet. Landscaping should also hide any outside mechanical, outdoor storage, and a portion of the walls and fences.

**Building Heights:** In keeping with the integrity of the neighborhood, height limits are 35 feet or two and one-half stories, whichever is lower.

**Building Setbacks:** Minimum setback of 20 feet for the front yard or average of the setbacks of the adjacent structures, whichever is less. Side-yard 10 feet minimum. Rear yard setback 20 feet.

**Outdoor Storage:** Storage building and related structures shall be limited to two (2) per lot. They must be located in the rear yards, and a setback at least ten (10) feet from the property line. Accessory structures include detached garages, green houses, detached carports, and storage buildings. No stored items may be visible from any adjoining property or public street.

**Signs:** To minimize negative impact, sign controls for size, height, construction materials, and illumination require special guidelines. Signs will be limited to one per premises. A maximum of sixteen (16) square feet of freestanding sign, at a maximum height of five (5) feet. Illumination is prohibited. Design should be professionally done and be simple, light color and wood. NOTE: Brick base permissible if coordinated with the structures siding. No pre-manufactured stick-on-lettering.

**Sign Setbacks:** All signs for R-4 areas will be set back at least two (2') from the inside of any sidewalk or where no sidewalk exists ten (10') feet from the edge of the road. In no case will a sign be allowed if in the opinion of the regulatory authority it obstructs visibility or creates a safety hazard.

**Lighting:** Height of lighting facilities shall be limited to no more than twelve (12) feet in height and all shall be shaded or inwardly directed so that no direct lighting is cast onto adjacent lots.

**Parking and Loading:** Parking and Loading accommodations should satisfy the needs of an office use while minimizing the traffic impact on the neighborhood. The required parking and loading area shall be paved. All parking and loading areas shall provide for proper drainage of surface water. The owner of the property used for parking and loading shall maintain the area in good condition, without holes, and free from dust, litter, and other debris. When visitor parking exceeds the spaces, cars cannot be parked closer to the road than the front corner of the structure. Any parking area intended to be used beyond daylight hours shall be properly illuminated as described under Lighting above.

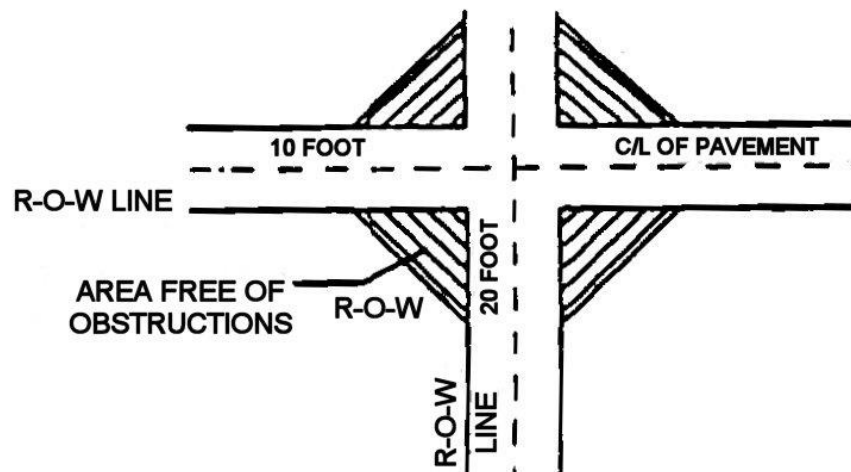
**New Construction:** Although renovation of existing structures is desired, it is not

required. Demolition may be desirable in some cases and new construction initiated. New construction shall be appropriate in appearance with existing residences in the area; it shall look like a residence not a professional office building. If built entirely or partially for professional use they must be permitted by special exception after a zone change request has been made and approved.

**Development Plan:** Development Plans shall be submitted with the request for reclassification to R-4 for review and recommendations as outline in the Corbin Development Ordinances and it should include structure design and appearance.

**410.14 General** - The purpose of supplementary regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

Visibility at Intersections - On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision in the area bounded by the street lines of such corner and a line joining such points along said street lines fifty (50) feet from the center point of the intersection. Corner lots shall be graded to proper elevations in order to comply with the provision.



Fences/Walls/Hedges - Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of a yard provided they not be permitted to impair traffic visibility. The fence, wall, or hedge must be set back a minimum of ten (10) feet from the street right-of-way line. Fences or walls shall be constructed so that any supporting parts shall be facing the inside of the lot of the person(s) providing the structure. The maximum height of the structure shall be six (6)

feet for front yards (to include lots with double street frontage), and eight (8) feet for side and rear yards. For additional information, refer to Article VII (Definitions).

Accessory Buildings - Accessory buildings shall be located in the rear yard of a principal structure and shall not be erected within ten (10) feet of any property line. No more than two (2) accessory structures shall be allowed per lot.

Structures to Have Access - Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

Parking and Storage of Vehicles - No recreational equipment as defined below shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use. Such equipment includes boats and trailers, travel trailers, pickup campers, coaches, motorized dwellings, tent trailers, and boxes or cases used for transporting such equipment.

## **410.2 Commercial Areas**

### **410.21 Shopping Centers**

The following minimum design standards shall be met in the development of shopping centers (C-3)

- a. The shopping center shall provide adequate access. Entrances and exits shall be located so as not to increase congestion at intersections.
- b. The shopping center shall provide internal traffic circulation and control devices so as to maximize auto and pedestrian safety.
- c. The shopping center shall submit a development plan which is subject to approval by the Planning Commission.
- d. The plan shall provide for a center consisting of one or more groups of establishments in buildings of integrated and harmonious design, together with adequate and properly arranged parking, in an attractive setting that fits harmoniously into adjoining or surrounding properties.
- e. The applicant for the proposed shopping center shall show the need for the facilities and services and any other evidence the Planning Commission may require.
- f. The Planning Commission must be satisfied that the developer of the proposed center is financially able to carry out the project, that he will start

construction within one (1) year of approval, and that he intends to complete the project within a reasonable time (as the commission determines).

g. The plan for the shopping center shall be in keeping with the city's Comprehensive Plan.

h. No building(s) shall cover more than twenty-five percent (25%) of the total area of the lot or tract.

#### **410.22 General**

Fences/Walls/Hedges - These regulations are the same as for residential areas.

Accessory Structures - Accessory structures shall be located in the rear yard of a principal structure and shall not be erected within five (5) feet of any property line.

Exceptions to Height Regulations - The height limitations contained in Section 402.2 do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level, and not intended for human occupancy.

Structures to Have Access - These regulations are the same as required in residential areas.

### **410.3 Industrial Areas**

In addition to regulations specified above for commercial areas, industrial areas shall meet the following requirements:

**410.31 Protection Standards** - Any manufacturer locating in an industrial district shall be required to submit information regarding storage, use, and disposal of any materials or substances which might be detrimental to public health, safety, and welfare. Agencies to be consulted include the fire department, county health department, and city utilities (as applicable). No materials or wastes shall be stored in such a way as to be transferred off the site by natural forces or causes. No fire, explosion, or related safety hazard shall be created or maintained on the site that could create a safety or health hazard beyond the site. There shall not be emitted from the site any excessive noise (beyond average noise levels in the area), nor shall any objectionable heat, glare, vibration, dust, smoke, dirt, vapors, gases, or toxic/noxious matter be emitted from the site.

## **411 CELLULAR ANTENNA TOWERS**

### **411.1 Purpose**

Due to the semi-public nature of cellular antenna towers and other wireless communications systems, it is the purpose of this section to regulate these facilities in order to:

1. Accommodate the need for cellular or wireless communications towers while regulating their location and number in the City of Corbin.
2. Minimize the adverse visual effects of such facilities through proper siting and design.
3. Avoid potential damage to adjacent properties from structural failure of communication towers and support structures.
4. Encourage the joint use of any new and existing communications towers and support structures in order to reduce the number of such structures needed in the future.

### **411.2 Use Regulations**

The following regulations shall apply to cellular or wireless communication antennas and towers:

1. New cellular or wireless communication antenna towers or antennas to be mounted to an existing communications tower may be located in all districts except single-family residential districts. This requirement may be waived if there are no other alternatives available.
2. Any cellular or wireless communications antenna that is mounted to an existing structure shall be compatible in color with that structure.
3. All proposals must be submitted for review. A Public Hearing will then be scheduled. Following the Public Hearing the Planning Commission will submit its recommendation to the Board of Commissioners for final approval or denial.
4. The cellular or wireless communications company shall be required to demonstrate, using the latest technological evidence that the antenna or tower must be placed where it is proposed in order to satisfy its necessary function in the company's grid system.
5. If the cellular or wireless communications company proposes to build a new tower as opposed to mounting an antenna on an existing structure, it is required to demonstrate that it has contacted the owners of nearby tall structures within a one (1) mile radius of the site proposed, and has asked for permission to install the cellular or wireless communications antenna on these structures, and was denied for reasons other than economic ones. "Tall structures" shall include, but not be limited to, smoke stacks, water towers,

buildings over 50 feet in height, antenna support structures or other cellular or wireless communications companies, other communication towers, and roadway lighting poles.

6. The city may deny the application to construct a new cellular or wireless communications tower if the applicant has not made a good faith effort to mount the structure on existing structures.
7. The applicant shall demonstrate that the antenna/tower is to be constructed at the minimum height necessary in order to function satisfactorily.
8. The applicant shall demonstrate that the proposed cellular or wireless communications tower and its antenna are safe and the surrounding properties will not be negatively affected by tower failure, falling ice, or other debris, electromagnetic fields or radio frequency interference. In addition, all towers shall be fitted with anti-climbing devices as approved by the manufacturers, and shall be enclosed (along with support structures) by a fence that is a minimum of eight (8) feet in height to prevent unauthorized access.
9. In order to limit the number of antenna support structures needed in the future, the proposed new tower shall be required to accommodate other users, including other cellular or wireless communications companies, and local law enforcement and emergency agencies.
10. The applicant must demonstrate that it is licensed by the Federal Communications Commission (FCC) to engage in such activities.
11. A site development plan shall be required as part of the application process.
12. The applicant must submit documentation verifying that all property owners within 1000 feet have been notified of the proposal and then they must be notified of the hearing

## **ARTICLE V**

### **Land Division and Development**

#### **500 Purpose**

The purpose of this article is to provide for the harmonious development of land in Corbin. These regulations provide for coordinated layout, proper arrangement of streets, adequate and convenient open spaces, traffic flow, utilities, recreation, light, and air, access of firefighting equipment, avoidance of population congestion, adequate provisions for water, sewer, drainage, and reduction of flood damage potentials to the greatest extent possible.

#### **501 Procedures**

The review of subdivision plats within the City of Corbin shall follow the procedures illustrated below and described in the text.

<b><u>Participants</u></b>	<b><u>Actions</u></b>
Developer (applicant)	Submits application to Planning and Codes Office
Planning and Codes Office	Reviews application; schedules plat for review by Planning Commission
Planning Commission	Reviews and approves or disapproves plat

#### **502 Informal Advisory Meeting**

The subdivider may submit an informal proposal to the planning commission to determine the reasonableness of proceeding with a formal subdivision application. The request for an informal meeting should be filed with the Codes Administrator at least ten (10) working days prior to the next regularly scheduled meeting of the planning commission.

The subdivider should submit a sketch plat of the proposed project with the following information included as a minimum:

1. Name of subdivision, date, scale, north arrow
2. A vicinity sketch map showing general location and surrounding property, existing roads, and major physical features
3. Generalized layout of property showing shape, approximate dimensions, and total acreage
4. Generalized layout of proposed lots, streets, and utilities

5. Intended land uses
6. Relationship to services (parks, schools, etc.)

The planning commission shall review the proposal and try to provide enough guidance to allow the applicant to decide whether or not to proceed any further. It is not the purpose of this meeting for the planning commission to commit to any specifics of the proposed subdivision.

### **503 Plat Determination**

At the time an application for subdivision is filed (including a request for an informal meeting), the administrative official shall determine whether the proposal constitutes a major or minor plat. All plats shall be prepared by a qualified registered engineer or land surveyor.

#### **503.1 Minor Plats**

A minor plat is one which has a minimal impact on the long-range development of the community because of the limited nature of the proposal. Accordingly, it is not subject to the two-step review process of other (major) plats. It should be noted that any plat which is being submitted for multi-family residential, commercial, or industrial development shall be subject to development plan review and approval before any building permit is issued.

A minor subdivision plat is one which:

1. Contains two (2) lots (counting the remainder of the original tract), fronts on an existing public street, involves no opening, widening, or extension of streets or utilities, and conforms to the city's comprehensive plan and all appropriate provisions of this ordinance.
2. Provides for the transfer of land between adjacent property owners and does not involve the creation of any new lots or building sites.
3. The consolidation of two (2) lots of record into one parcel of property, and involves no new public improvements.
4. Requires minor technical revisions of an engineering or drafting nature to a recorded final plat.

The minor plat shall be treated as a final plat in the review process and shall include all of the information requested on the Minor Plat Checklist.

#### **503.2 Major Plats**

All subdivision plats which do not meet the criteria indicated in 503.1 shall be considered major plats and shall be subject to preliminary and final plat reviews.



503.21 PRELIMINARY PLATS - The preliminary plat is designed to provide the planning commission with a detailed graphic statement of lot layout and proposed improvements. The preliminary plat is a very important document because it serves as the basis of initial construction of public improvements. In a proposed subdivision, no modifications to the land (cutting, filling, dredging, etc.) shall be made to the land in question prior to preliminary plat (or minor plat) approval. The processing of a preliminary plat shall follow the steps indicated below:

1. The subdivider (or authorized representative) shall file an application with the Planning and Codes Office at least ten (10) working days prior to the next regular scheduled meeting of the planning commission.
2. The application shall be accompanied by twelve (12) copies of the plat containing the information required on the Major Plat Checklist (Section 503.3).
3. The Codes Administrator shall schedule a meeting of the planning commission to review all requirements applicable to the plat. The subdivider shall be notified of any plat revisions needed and shall make such revisions to the plat prior to the next planning commission meeting.
4. The planning commission shall consider the following items in its review process:
  - a. Conformance with this ordinance.
  - b. Conformance with the comprehensive plan
  - c. Comments from other public officials and agencies.
  - d. Comments expressed by the public at the planning commission meeting in which the plat is considered.

Within sixty (60) days of the commission meeting on the preliminary plat, it shall take one of the following actions:

- a. Approve the plat unconditionally
- b. Approve the plat subject to conditions being met
- c. Disapprove the plat
- d. Postpone taking action for thirty (30) days with specific stated reasons for the action.

Failure of the planning commission to act on the plat within the specified time shall be considered as approval of the plat.

Approval of the preliminary plat by the planning commission does not constitute approval of the subdivision but is merely an authorization to proceed with the preparation of the final plat and construction of public facilities.

If the preliminary plat is conditionally approved or disapproved, the planning commission shall provide the subdivider with a written statement regarding the conditions to be met or the reasons for disapproval.

If the preliminary plat is approved, one copy shall be returned to the subdivider for compliance with final plat requirements. Such approval is effective for one year from the date of approval. During that time, the general terms and conditions under which the plat was approved will not be affected by any changes to these regulations. The subdivider may receive a six (6) month extension on approval provided he/she submits a written request to the planning commission and they approve the request.

WAIVERS - The planning commission may waive the requirements in any individual case where in its judgment such a waiver would be in the public's interest and would eliminate an undue hardship. No waiver shall be granted which will have the effect of nullifying the intent and purpose of these regulations.

In granting such a waiver, the planning commission shall require such conditions as are necessary in its judgment to substantially secure the objectives of the standards or requirements being waived. Any waiver of these regulations shall be submitted in writing with reference to the particular section of the regulations being waived and with a statement of the reasons for the request.

PLAT AMENDMENT - If the preliminary plat has been approved by the planning commission and the subdivider desires to make a change in the number of lots, street alignment, or other substantial changes, it will be necessary to file an amended preliminary for review by the Codes Officer who shall make a determination as to whether or not the planning commission needs to review and approve the change.

503.22 FINAL PLATS - The final plat serves as the plat of record for public recording and transfer of land and as a check to assure that all subdivision requirements have been met. The final plat shall conform substantially to the preliminary plat as approved, and it may constitute only a portion of the preliminary plat which the subdivider proposes to record and develop. No final plat shall be approved prior to two (2) weeks following the approval of the preliminary plat.

The final plat shall be submitted to the planning commission for their review and action

within one (1) year of approval of the preliminary plat. Failure to do so will result in an expiration of the preliminary plat, making it null and void and requiring resubmission of a new preliminary plat. An extension of six (6) months may be granted provided the subdivider submits a written request for the extension and it is approved by the planning commission.

Twelve (12) copies of the final plat application shall be filed in the Planning and Codes Office at least ten (10) working days prior to the next regularly scheduled planning commission meeting. The final plat shall include all of the information required on the Final Plat Checklist (Section 503.3).

The planning commission shall review the final plat and take the appropriate action:

- a. Approve the plat unconditionally.
- b. Approve the plat with conditions.
- c. Disapprove the plat.
- d. Delay action on the plat for thirty (30) days.

The reasons for the action taken shall be provided in writing to the subdivider.

Failure of the planning commission to act upon the final plat within thirty-five (35) days shall be deemed approval of the plat. Approval of the final plat by the planning commission shall not constitute acceptance by the public of the dedication of any streets, other public ways, or ground.

Following approval of the final plat, the planning commission shall return one (1) copy of the plat to the subdivider with the planning commission certification thereon for filing with the county clerk as an official plat of record. A final plat must be recorded within one (1) year of approval by the planning commission or else the approval is considered null and void. The subdivider shall provide the planning commission with evidence of the plat being recorded within thirty (30) days of that action. The subdivider may request an extension of six (6) months. Such written request must be submitted to the planning commission prior to the plat's expiration for their review and approval.

PLAT AMENDMENT - Substantial changes to the final plat, as determined by the planning commission, will require the submission of an amended final plat in accordance with procedures indicated previously. Changes not determined as substantial shall still be reviewed by the planning commission, but shall not require filing of an amended final plat.

PLAT CHARGES - A charge for the processing and review of the final plat is required in accordance with the Section 505.

If the subdivider does not appear at the planning commission meeting in which the plat is reviewed and the plat is disapproved, the applicant shall be required to file another application and pay appropriate charges unless due cause for absence can be shown.

**PLAT REVOCATION** - The planning commission may revoke the approval of a subdivision plat, including all dedications of public facilities, easements, and rights-of-way, under the following conditions:

- a. An application for revocation is made by the planning commission or all persons owning land comprising the subdivision.
- b. No person has purchased a lot shown on the plat.

A revocation shall become effective only upon: a) a revocation document being appended to the recorded plat stating that such plat has been revoked and the date of such vote of revocation; such document shall be signed by the chairman of the commission; and b) a written approval of such revocation filed with the commission, duly signed by each entity to which an offer of dedication of any public facility, easement, or right-of-way was made on the plat.

The remedy provided in this section is in addition to all other remedies provided by law and shall not impair the right of the commission or any interested party from filing an action in circuit court for such relief as may be appropriate.

**503.3 Plat Requirements** - The following information shall be provided on the plat or as supporting documentation:

	<u>Minor</u>	<u>Prelim</u>	<u>Final</u>
1.Name of subdivision	x	x	x
2.Date of plat	x	x	x
3.Plat type (minor, preliminary, final)	x	x	x
4.Graphic scale	x	x	x
5.North arrow	x	x	x
6.Acreage being subdivided	x	x	x
7.Name and address of property owner/subdivider	x	x	x
8.Name, address, and seal of registered professional engineer or land surveyor who prepared plat	x	x	x

9.Names of adjacent property owners	x	x	x
10.Names of abutting streets	x	x	
11.Vicinity sketch map at scale of one inch = 2000 ft., showing subject property and land within 1/2 mile to include roads, etc.	x	x	x
12.Proposed subdivision layout at scale of 1 inch= 100 ft.	x	x	x
13.Approximate bearings and distances	x		
14.Final bearings and distances	x		x
15.Locations of monuments and pins	x	x	x
16.Physical features (streams, sinkholes, ponds, etc.)	x	x	x
17.Contour lines at intervals not greater than ten (10) feet	x	x	x
18.Streets:			
Existing and Proposed:			
Location	x	x	x
Pavement width	x	x	x
Right-of-way width	x	x	x
Radii points of curvature arcs (proposed only)		x	x
Finished grades		x	x
Names (not duplicative)		x	x
Length of cul-de-sac		x	x
Drawing of street section		x	x

19. Utilities:

Water lines: location and size	x	x	x
Fire hydrants	x	x	x
Sewer lines: location and size	x	x	x
Electric lines: location	x	x	x
Easements: location, dimensions, and use	x		x

20. Drainage:

Curb and gutter: location and specifications		x	x
Culverts: location and size		x	x
Ditches: location and grading plan		x	x
Retention/detention ponds: location and estimates of flow on site before and after development		x	x
Easements: location and dimensions	x	x	x
Location and description of receiving stream or pipe on adjacent property	x	x	x

21. Erosion Controls:

Drainage features		x	x
Description of soils		x	x
Plans for providing ground cover during and following construction		x	x
Location and description of all soil erosion control structures		x	x

22. Copy of completed subdivision application form	x	x	x
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23. Statement of deed restrictions and protective covenants	x	x	x
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24. Typical street cross section		X	X
25. Certification on plat showing street approval		X	X
26. Certification on plat of water system and fire hydrant approval		X	X
27. Certification by Utilities Department showing approval of sewage disposal system		X	X
28. Certification of electric and telephone utilities and easements		X	X
29. Certification of ownership of property and dedication of streets, etc. for public use	X	X	X
30. Certification of accuracy of survey by engineer/surveyor	X		X
31. Certification that subdivider has complied with one of the following:			
a. Has completed all improvements			X
b. Has posted letter of credit or other surety for completion of all improvements			X
32. Certification on plat by Chair of Planning Commission that plat has been approved for recording	X		X
33. Certification on plat by County Clerk that plat is accepted for filing and recording	X		X

Note: Final construction plans (as-built drawings) for sanitary facilities, storm water disposal, water supply, other utilities, and streets shall be submitted upon completion of improvements.

## **504 Design and Development Standards**

### **504.1 Purpose**

The Planning Commission is authorized under Kentucky Revised Statute 100.281 to specify design requirements for streets, blocks, lots, utilities, recreation areas, other public facilities, and hazardous areas including land subject to flooding within the City of Corbin. Furthermore, the Commission is responsible for insuring that such standards are enforced during development as a condition of subdivision plat approval.

### **504.2 Standards**

These standards for public improvements shall be utilized to assure the conformance of subdivisions to the Comprehensive Plan.

MINIMUM STANDARDS - The standards set forth in this section are considered to be minimum acceptable standards of design for safe, efficient, and economical community development. Where the Commission determines that excess capacity facilities are needed, as defined in the respective sections, the legislative body shall be responsible for arrangements to cover the cost of that capacity required beyond what is needed to serve the immediate development.

DEVELOPER'S RESPONSIBILITY - Generally, the Developer shall be responsible for providing the land and constructing those public improvements required to serve his development. It is also the developer's responsibility to notify the proper governmental agency when improvements are underway so that the work can be inspected to insure compliance with this ordinance. Similarly, the developer is required to notify the appropriate governmental agency when work is completed so that a final inspection can be conducted.

DEVELOPMENT PLAN - Commercial, industrial, and large-scale residential development (ten [10] or more apartments, townhouses, etc.) shall submit a development plan to the Codes Administrator to insure compliance with the design and improvement standards described in this ordinance.

LAND SUITABILITY - If the commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, topography, or other such conditions which may endanger health, life or property, the Commission shall not approve the land for subdivision unless adequate methods are proposed by the subdivider for solving problems that will be created by the development.

The Planning Commission may refuse to approve what it considers to be scattered or



premature subdivision of land which would involve danger or injury to the public health, safety, or welfare, by reason of a lack of water supply, schools, proper drainage, adequate roads or transportation facilities or other public services, or which would necessitate an excessive expenditure of public funds for the supply of such services.

NATURAL FEATURES - The street plan and lot arrangement of a proposed subdivision shall be so designed as to preserve natural features such as trees, streams, natural lay of the land, and disposition of the topsoil.

### **504.3 Drainage and Erosion Controls**

Significant erosion results from rainfall and runoff over unprotected soil. Erosion is increased by intense rainfalls, long slopes, steep slopes, and lack of vegetative cover. These conditions are in part caused or aggravated by improper construction, grading, or excavation practices which fail to adequately provide for erosion control.

This section of the Regulations is designed to reduce soil erosion in Corbin, and to provide procedures for submission, review, and approval of erosion control plans.

504.31 SCOPE OF COVERAGE - The following are included within the scope of these regulations:

All persons submitting subdivision or development plans must include a statement with the preliminary or minor plat stating that no grading, excavating, stripping, filling, or other disturbance of the natural ground cover shall take place prior to approval of an erosion control plan. The erosion control plan will be submitted along with the preliminary plat, or minor plat if applicable.

EXCEPTIONS - No erosion control plan shall be required for the following:

1. Finished grading and excavation below finished grade (a) for basements and footings of a single-family or duplex residential structure, (b) for retaining walls, (c) for swimming pools, (d) for cemeteries for human or animal burial, or (e) for accessory structures related to single-family residences or duplex structures authorized by a valid building permit.
2. Individual single-family residential lots.
3. Accepted agricultural land management practices such as plowing, cultivation, construction or agricultural structures, nursery operations such as the removal and/or transplanting of cultivated sod, shrubs, and trees, tree cuttings at or above existing root mat intact.
4. Grading, as a maintenance measure, or for landscaping purposes on existing developed lots or parcels.

5. Installation of lateral sewer lines, telephone lines, electricity lines, gas lines, or other public service facilities.
6. Subdivisions for which a preliminary or final plat is approved prior to the effective date of this regulation.

#### 504.32 PROCEDURES AND STANDARDS FOR APPROVING SOIL EROSION CONTROL PLANS AND FOR ISSUING PERMITS

ADMINISTRATIVE PROCEDURES. Applications for approval of erosion control plans shall be submitted to the Codes Administrator. The application shall contain the applicant's name and address and other relevant information requested on the application forms provided. It shall also contain a proposed erosion control plan containing the information required below. The application must be signed by the owner of the property or an authorized agent, and the erosion control plans must be certified by a registered professional engineer or licensed landscape architect if submitted in association with a major subdivision or development plan.

The erosion control plan shall be reviewed by the Planning Commission. Upon approval of the plan by the Planning Commission, the developer can begin work. When work on the erosion control plan is completed, a representative of the city will certify the work.

CONTENTS OF THE SOIL EROSION PLAN. The following information must be included in the Soil Erosion Plan:

1. The erosion control plan shall be drawn at a scale of 1" = 100" (or less) indicating (a) the site location as well as the adjacent properties and (b) identification of any structure or natural feature on the land adjacent to the site and within 250' which has a significant impact on drainage or siltation controls. If the development is to be in stages, the plan shall cover the entire tract to be developed.
2. Property boundary bearings and distances for the site on which the work is to be performed.
3. A soil survey or a description of the main soil types.
4. The anticipated time of exposure of each area prior to the completion of effective erosion and sediment control measures.
5. Existing topography at contour intervals not exceeding ten (10) feet; five (5) feet where conditions warrant.
6. Location and identification of any proposed additional structures or development on the site, except single-family and two-family

residential structures and their accessory structures in a subdivision (if applicable).

7. Plans and specifications for all drainage provisions, retaining walls, cribbing, planting, anti-erosion devices, or other protective devices (whether temporary or permanent) to be constructed in connection with, or as a part of, the proposed work, together with a map showing the drainage area of land tributary to the site and a statement explaining the amount of estimated runoff used to determine the design characteristics of any drainage device. Upstream drainage must be considered and explained if any adverse effect is possible.
8. Plans for removal, recontouring, or other final disposition of sediment basins or other structural improvements or devices included in the plan.
9. If a sedimentation basin is required, it should be designed by certified engineers in accordance the Soil Erosion and Sediment Control Guidelines for Corbin.

#### PRINCIPLES TO BE CONSIDERED IN REVIEWING APPLICATIONS.

1. The erosion control plan should relate to the specific site conditions.
2. The plan should keep land grading and disturbance to a minimum under the circumstances
3. Both surface and storm water drainage systems should be integrated to accommodate the increased runoff incurred during land grading.
4. To prevent soil erosion, existing, temporary, and future protective vegetative cover should be emphasized.
5. The plan shall coordinate grading operation and sediment control measures so as to minimize land exposure to erosion.
6. Sediment basins below high sediment producing areas should be planned, installed, and maintained as safety devices to catch and trap excessive sediment from the development site.
7. The plan should utilize available technology to keep soil erosion to a minimum level.

SPECIAL CONDITIONS ATTACHED TO PLANS. Upon consideration of the factors listed above and for the purposes of this ordinance, conditions may be attached to the approval of erosion control plans. It is intended that these conditions be added to a plan for certain areas or problems to provide two basic results: (1) that during project construction, off-site and on-site siltation and erosion be minimized, and (2) that after project completion, the total erosion control plan will be effective so as to preclude all significant on-site erosion. No special conditions shall be attached to the plan which imposes duties or liabilities upon the subdivision after a lot is sold.

**BONDING REQUIREMENTS.** The cost of compliance with the erosion control plan shall be included in the bond. The Codes Administrator shall estimate the cost of compliance with the approved soil erosion plan and shall include this amount in computing the total of the performance bond or other approved surety as required in these regulations. At such time that the developer has completed the approved soil erosion plan specified in the bond guarantee or other approved surety, that portion of the bond or other surety shall be released upon certification by the Codes Administrator.

In the event of failure to complete work or failure to comply with all requirements, conditions, and terms of the permit or plan, the Codes Administrator may order the stoppage of work.

#### **504.4 Landscape Requirements**

The primary requirements for landscaping are covered in Section 408. The following regulations are to be observed in the review of subdivision plats.

**504.41 PROCEDURES** - The developer shall show areas set aside for Landscape Buffer Areas (as appropriate) on both the preliminary and final plats. Illustrations including trees, shrubs, ground covers, and barriers shall be shown on final subdivision plats. Where landscape easements are required in the same location as utility easements, the two may be combined, providing the total width and screening requirements of Section 504.42 are met, and that there is no violation of utility easements.

Landscape Buffer Areas shall be included in development plans for commercial, industrial, and large-scale residential development.

The Landscape Buffer Areas will be reviewed by the Planning Commission in their review of all subdivision plats and development plans.

#### **504.42 LANDSCAPE BUFFERS**

(See Buffer Requirements in section 408, page 39)

**504.43 ENFORCEMENT** - Landscape requirements will be enforced by the Codes Administrator. No building permit shall be issued until the landscape requirements have been approved as part of the final plat or development plan. No occupancy permit shall be issued until the landscaping is completed and certified or bonded by the building inspector.

#### **504.5 Lot Development**

The size, proportion, and orientation of individual parcels of land and the buildings placed on them will vary with intended type of land use and with the geologic characteristics of the

land. Many of these characteristics are determined through the zoning regulations governing the use of land (i.e. minimum lot size, yard requirements, building setback, and lot coverage). Other principles of lot use and layout are more generally applicable and are basic to principles of good subdivision design.

#### 504.51 LOT AREA REQUIREMENTS

AREA FOR SEWER SYSTEMS - Where public sewers are available and zoning is in effect, minimum residential lot area requirements shall conform to Section 402.1. Wherever no public sewers are available, residential lots shall meet the minimum square footage requirements of the County Health Department. A greater area than that specified above may be required if, in the opinion of the County Health Officer, there are potential health hazards due to drainage, soil, or other factors.

SINGLE BUILDING PER LOT - Each separate principal use building shall be situated on a separate and single subdivided lot of record.

NON-RESIDENTIAL LOTS - Lots to be used for commercial or industrial purposes shall contain such area as required by zoning regulations, or in lieu of zoning regulations, such as necessary to accommodate proposed buildings, necessary parking, off-street loading, landscaping, and buffer areas as required.

#### 504.52 LOT LAYOUT

LOT LINES - All side lines of lots should be at right angles to straight streets and radial to curved street lines.

LOT WIDTH - All lots in the city shall front on a public street for a minimum distance in accordance with requirements in Sections 406.

CORNER LOTS - Corner lots shall be laid out so as to provide at least minimum front yard requirements along both street frontages. Access to corner lots shall be at a distance of at least fifty (50) feet from the intersection.

DOUBLE FRONTAGE LOTS - Lots shall not be laid out so that they have frontage on more than one street except: (a) corner lots or (b) when the rear of the lot faces an arterial, freeway, or railroad right-of-way and the front of the lot faces on a minor street.

TOPOGRAPHY - All parcels shall be laid out as related to topography and shall provide a building site of adequate size, free from drainage problems.

LAND REMNANTS - If remnants of land exist after subdividing and have no apparent future use which can be properly controlled, they shall be incorporated into the lot pattern of the proposed subdivision.

504.53 BUILDING SETBACK LINE - Where not otherwise specified by zoning requirements, the minimum building setback line from the street right-of-way shall be twenty-five (25) feet.

#### 504.54 LOT IDENTIFICATION

MONUMENTS - Permanent monuments of concrete or steel rods shall be set at all lot corners, angle points, and points of curves in streets and their location marked on the final plat.

LOT NUMBERS - All parcels of land in a subdivision, other than streets, shall be given a consecutive number. This applies also to lots intended for non-residential use.

PROPERTY NUMBERING SYSTEM - Individual lots shall be given a street address by the PVA Office.

#### 504.55 MOBILE HOME AND PLANNED UNIT DEVELOPMENT

MOBILE HOME DEVELOPMENT - Development of mobile home sites for rental, lease, or sale shall conform to the requirements of the City's Mobile Home Park Regulations or Kentucky Revised Statute Chapter 219, whichever is more restrictive.

PERMIT APPLICATION - The Developer of a mobile home park shall apply to the Kentucky Department of Health to obtain a permit to construct or alter a mobile home park prior to filing a preliminary or minor subdivision plat with the Planning Commission.

CONSTRUCTION PLAN - The complete construction plan as required by the Kentucky Department of Health shall be considered a suitable substitute for all plat requirements of these regulations in regard to mobile home parks.

504.56 PLANNED UNIT DEVELOPMENT - Sections of the regulations may be modified by the Planning Commission in the case of plans for complete neighborhoods or other design innovations which, in the opinion of the Commission, achieve the basic objectives of these regulations, and provided they are in keeping with the intent of Section 402.12.

### **504.6 Transportation**

The Planning Commission shall assure that transportation improvements conform to the Comprehensive Plan. Proposed streets shall be considered in their relationship to existing and planned streets, to topography, public convenience and safety, and in relationship to proposed land uses to be served. Where it is desirable, consideration shall be given to other modes of transportation including pedestrian and bicycle.

504.61 STREETS - Streets, as ways for the movement of vehicular traffic, serve two principle functions: first, the movement of people and goods, and second, access to adjoining properties. Unfortunately, these two functions are of a conflicting nature because the smooth movement of traffic is interrupted by vehicles entering or leaving traffic from or to adjacent property.

To satisfy the competing street functions of movement and access, sound traffic engineering principles require the use of a street classification system of several levels. Each street classification serves a combination of the two functions.

STREET CLASSIFICATION SYSTEM - The following functional street classification shall be considered in the planning of a subdivision and the implementation of the Comprehensive Plan.

1. EXPRESSWAYS - For the purpose of moving vehicles intercity or between major parts of a city at high speed. Access is limited to continuous flow, grade-separated interchanges with arterial streets. Directional flow is served by two or more lanes each direction and is separated by a grass or barrier median.
2. ARTERIAL STREETS - Primarily for the purpose of moving vehicles intercity (highways) and connecting sections of a city at moderate speeds. Directional flow may be separated by mountable, non-mountable, or barrier medians and be served by one to three lanes in each direction. Additional lanes may be designated for left and right turns. Parking may be permitted. Access from adjacent properties is controlled and where arterial streets are state highways, require an Access Permit from the State Department of Transportation. Where a subdivision fronting on a highway with a potential for fifty (50) or more lots is proposed for development, the developer shall be required to provide turn lanes on the highway to serve the proposed development. Entrances to subdivisions fronting on highways will be required to provide adequate site visibility for highway traffic.  
Access from adjacent residential development should be limited to intersections from collector streets. Residential development should back up to arterial streets and have deeper back yards and provisions for buffering.

3. COLLECTOR (MAJOR) STREETS - For the purpose of "collecting" traffic from local streets for distribution to arterial streets and to provide access to adjacent property. Directional flow may be served by one or two lanes in each direction with additional turning lanes as needed. Parking may be permitted.
4. LOCAL (MINOR) STREETS - For the purpose of providing vehicular access to adjacent properties. Directional flow is served by one lane in each direction. Posted speed limits are low. Parking is permitted and may require additional roadway width. Layout should discourage through-traffic.
5. CUL-DE-SAC STREETS - A local street with only one end open to vehicular traffic and the other end terminated by a permanent vehicular turn-around. The length of cul-de-sac streets shall not exceed six hundred (600) feet, except where topographic conditions may require a waiver.
6. FRONTAGE (MARGINAL ACCESS) ROADS - For the exclusive purpose of providing access to properties adjacent to arterial streets and expressways. Frontage roads provide for two-way traffic at a slow rate of speed and parallel the arterial street with access points to it not more than every four hundred (400) feet. The Commission may require frontage roads as a condition to approval of development along designated or proposed arterials or expressways.
7. ALLEYS - For the purpose of providing secondary vehicular access to adjacent properties along the rear or side lot lines in commercial or industrial areas. Alleys shall not be used for residential subdivisions.
8. DEAD END STREETS - A street having an outlet at only one end and terminated at the other end by undeveloped property. Dead end streets that extend beyond the corner lot shall be served by temporary turn-around facilities.



## STREET CLASSIFICATION STANDARDS

TYPE OF STREET	MINIMUM RIGHT OF WAY (FT)	MINIMUM PAVEMENT WIDTH* (FT)	MINIMUM LANE WIDTH (FT)	GRADE		NUMBER OF LANES
				MAX	MIN.	
FREEWAYS	Variable	24+24	12	4%	0.5%	4
ARTERIAL	100	48	12	6%	0.5%	2-4
COLLECTOR (MAJOR)	60	40	10	8%	0.5%	2-4
LOCAL (MINOR)	50	24**	10	12%	0.5%	2
CUL-DE-SAC(a)	50	27	10	12%	0.5%	2
FRONTAGE (MARGINAL ACCESS)	40	20	10	8%	0.5%	2
ALLEY	20	20	10	10%	0.5%	2

\* Does not include parking on both sides

\*\* 27 feet if parking is allowed.

(a) Turn around diameters are 100 ft. for R-O-W, and 80 ft. for pavement.

CONFORMANCE WITH PLAN - The arrangement, location, character, width, grade, and construction of all streets shall conform to the Comprehensive Plan and shall be considered in relationship to existing and planned streets, topography, access to adjacent land, and public convenience and safety.

RESPONSIBILITY FOR STREETS - The developer shall construct streets including all clearing, grading, laying of subbase, base, pavements, curbs and gutters, culverts, bridges, sidewalks, storm sewer mains and structures in accordance with current City standards. Provided however, the requirements of curbs and gutters, sidewalks, and storm sewer mains and structures, may be waived by the commission and not required, as determined by the commission. To achieve the purposes of the Comprehensive Plan, the City may require that certain streets serving a subdivision be constructed to higher standards than would be necessary to serve the particular subdivision. When higher standards are required, the City may assume a proportional share of the increased cost of construction. Such cost shall not exceed the difference between that required for construction of the minimum street capable of adequately serving the subdivision and the cost of street construction required by the City.

GENERAL STREET DESIGN CRITERIA - The following guidelines shall be used in the review of subdivision layout:

BLOCKS - The width of a residential block should accommodate two tiers of lots. Block length should be at least four hundred (400) feet but not exceed twelve hundred (1200) feet. Where a block exceeds eight hundred (800) feet in length, a through sidewalk on a ten (10) foot right-of-way may be required.

STREET INTERSECTIONS - Multiple intersections involving the junction of more than two streets shall be avoided. Street intersections shall be aligned opposite one another; otherwise offsets between intersections shall be greater than 125 feet between center lines.

Minimum safe sight distance at an intersection shall be determined as a straight line of unobstructed view measured in each direction across the corner between points, each along the R-O-W line twenty (20) feet from their intersection. The space so described shall not be blocked by bushes, trees, structures, or other obstructions.

MULTI-FAMILY AREAS - Streets serving multi-family areas shall connect to collector or arterial streets to avoid generating large volumes of traffic on local streets. Such streets should also be of adequate width to accommodate parking on both sides of the road.

STREET NAMES - Street names shall be selected which will not duplicate or be confused with names of other existing streets in Whitley and Knox counties. Proposed streets, which are clearly in alignment with existing streets, shall bear the name of the existing street. Generally, no street should change direction by more than 90 degrees without a change in name.

STREET SIGNS - Subdivisions shall have permanent street signs installed by the developer according to city standards.

STREET LIGHTS - The city will continue to provide for installation of alternative street lighting systems on streets within the city limits.

DEDICATION OF RIGHT-OF-WAY - Subdivisions along existing streets shall dedicate such additional right-of-way as needed to meet the standards set by the Comprehensive Plan. When the subdivision is located on only one side of an existing street, only one-half of the additional right-of-way shall be provided.

STREET TREES - The Commission may request trees indigenous to the area to be planted between the curb and sidewalk, or in front yards, by the developer. Trees should be planted according to landscaping standards and not conflict with utility installations.

DEAD-END STREETS - Dead-end streets, other than complete cul-de-sac streets, shall only be permitted as part of a continuing street plan and only if a temporary turn-around satisfactory to the Commission is provided. Dedicated rights-of-way on dead-end streets shall extend to the tract boundary, and reserve strips which might be used to control access to adjacent property are prohibited.

HALF-STREETS - Dedication of new half-streets along tract boundaries shall not be permitted except to complete the other half where such a street has been previously platted.

STREET CONSTRUCTION - Streets shall be constructed in conformance with the following requirements:

GRADING AND EMBANKMENTS - The area on which streets are to be constructed should be cleared of all vegetation for a depth of at least three (3) inches and disposed of outside of the limits of the typical section. Prior to the construction of embankments, any unsuitable material on which the embankment will be superimposed should be removed and the area should be stabilized by conventional methods. The embankments shall be formed by placing material in successive horizontal layers of not more than twelve (12) inches in thickness (loose depth). Each layer shall be thoroughly compacted by rolling with a ten-ton three-wheel roller, sheeps-foot roller, or other approved type roller.

CUT SECTION EXCAVATION - Cut sections should be excavated to the required typical section and any unsuitable material encountered shall be removed and the area backfilled in six (6) inch horizontal layers and thoroughly compacted before successive layers are placed.

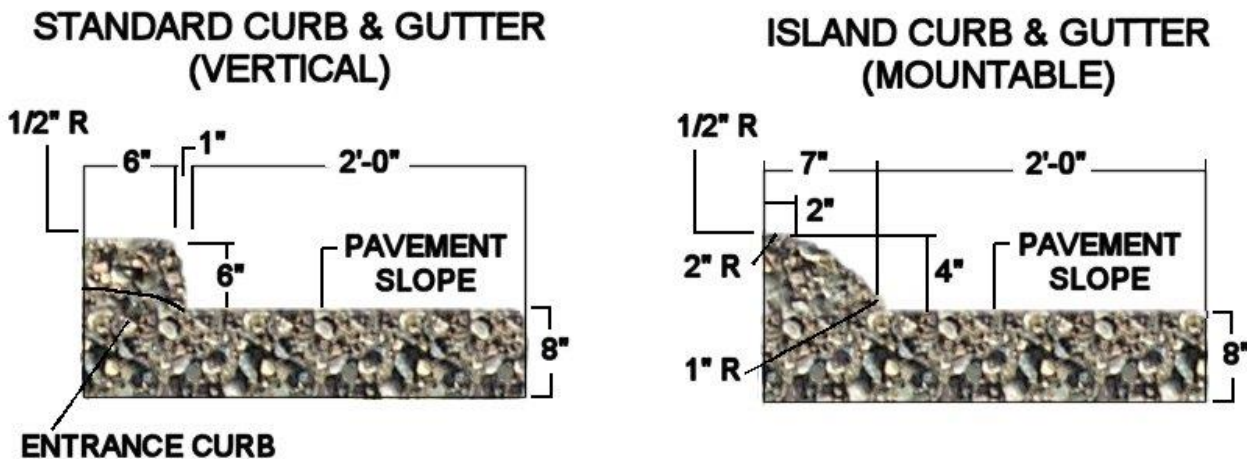
**SOLID ROCK EXCAVATION** - If solid rock is encountered in connection with the grading operation, the solid rock shall be removed to a depth of six (6) inches below subgrade elevation and back filled to meet the requirements above.

**SUBGRADE PREPARATION** - Prior to the construction of either rigid or flexible type surface course construction, the subgrade shall be shaped to the required typical section and thoroughly compacted. Any subgrade found to be unstable or irregular shall be corrected ahead of the various types of base or pavement construction.

**CONCRETE STREETS** - Shall meet requirements for Class "A" Kentucky Department of Transportation Bureau of Highways, Standard Specifications, and Current Edition.

**BITUMINOUS CONCRETE ON MACADAM BASE** - The macadam base shall consist of four (4) inches of #3 stone and four (4) inches of D.G.A., or eight (8) inches of D.G.A., for a total after compaction of eight (8) inches. Upon this base apply 0.35 gallons per square yard of RT-2 light prime emulsion or equal. After two (2) to three (3) days of curing time, place two (2) inches Bituminous Concrete Class I (black base or binder) and one (1) inch of sand-mix based blacktop after compaction and then compact with a five (5) to ten (10) ton roller. The developer shall notify the responsible official in charge of streets at least seventy-two (72) hours before putting down the base of blacktop.

**CURBS AND GUTTERS** - Box curbs and gutters are required for all city streets. Curbs help to hold the street pavement in place and channelize runoff water from the street.



**ACCESS EASEMENT STANDARDS** - Access easements shall be permitted to provide sole access to a lot (or lots) only under exceptional circumstances provided the Planning Commission finds that the application of the requirements and standards for public or private streets would clearly be excessive or impossible. Prior to permitting an access easement as

sole access to a lot (or lots), the Commission shall first thoroughly review the possibility of utilizing a public or private street as access and shall give specific reasons for permitting the access easement in its action on the proposed subdivision. The Commission shall have the right to fully regulate such access easements as to width, construction standards, use, length, number of lots to be served, and any other relevant factor. Nothing within this section shall be construed so as to abrogate the power of the Commission to deny a subdivision proposing to use an access easement as sole access.

504.62 WALKWAYS - The purpose of walkways (sidewalks) is to provide pedestrian circulation and safety. They also serve as an important element in the recreational system by providing space for walkers/hikers, joggers, and bicyclists. Generally, the need for walkways will vary, based on such factors as street type, traffic flow, on-street parking, probable volume of pedestrians, proximity to schools, etc.

The provision of sidewalks shall be required according to the following conditions and shall be the responsibility of the Developer.

RESIDENTIAL SUBDIVISIONS - In residential areas, sidewalks shall be provided on both sides of the street where the predominant lot width is less than one hundred (100) feet. Sidewalks shall be required on one side of the street where the predominant lot width is under two hundred (200) feet. Sidewalks will not normally be required where the predominant lot width is over two hundred (200) feet.

Where a residential block exceeds nine hundred (900) feet in length, a through sidewalk in a ten (10) foot easement may be required by the Commission.

COMMERCIAL SUBDIVISIONS - Sidewalks shall be required for all commercial lots by the Commission.

INDUSTRIAL SUBDIVISIONS - Sidewalks may be required for industrial lots as determined by the Commission.

STANDARDS - Sidewalks shall be constructed of concrete, at least four (4) inches thick and four (4) feet wide, poured over a compacted four (4) inch dense grade gravel subbase.

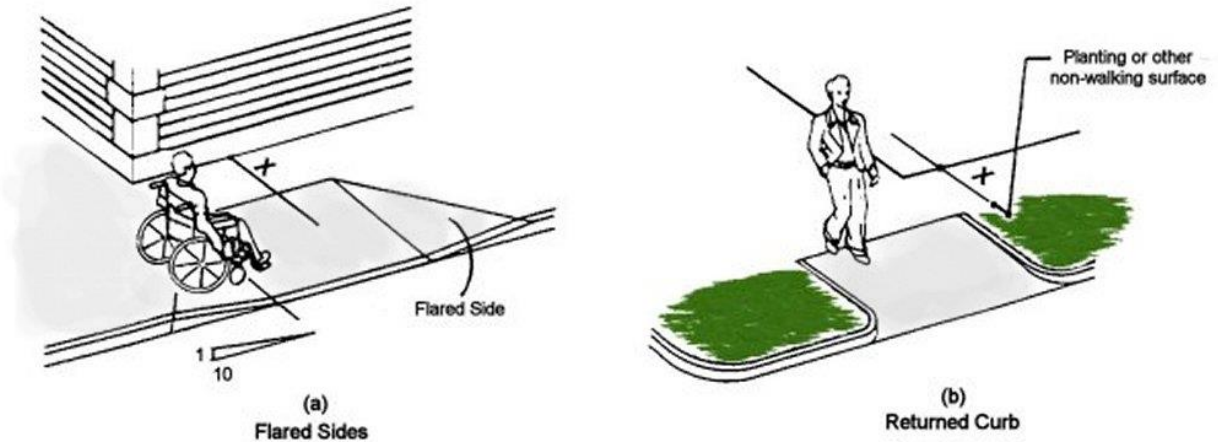
ACCESSIBILITY - In order to provide adequate access for all citizens, the following requirements apply to all new sidewalk development.

Curb ramps in compliance with the dimensions shown below shall be provided wherever an accessible route crosses a curb. Transitions from ramps to walks, gutters, or streets shall be flush and free of abrupt changes.

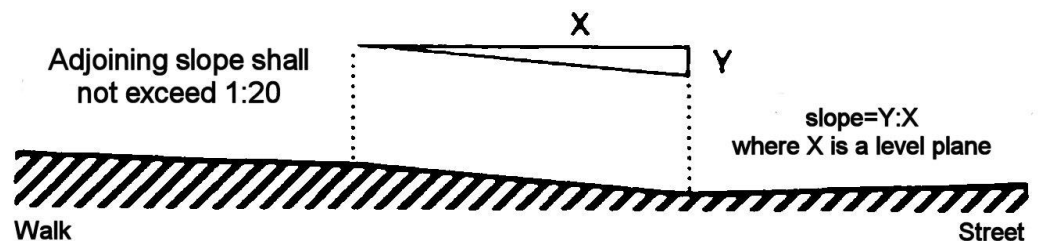
If a curb ramp is located where pedestrians must walk across the ramp or where it is not

protected by handrails or guardrails, then it shall have flared sides.

Built-up curb ramps shall be located so that they do not project into vehicular traffic lanes. Curb ramps shall be located or protected to prevent their obstruction by parked vehicles.



If X is less than 48 inches,  
then the slope of the flared side  
shall not exceed 1:12.



Measurement of Curb Ramp Slopes

**504.63 BIKEWAYS** - A bikeway may be substituted for a sidewalk in areas where schools, parks, or other public facilities exist and may cause a high volume of bicycle traffic, to insure the safety of the cyclists and encourage greater use of the bicycle as an alternate means of transportation.

**BICYCLE PATHS** - Shall include only those bicycle facilities whereby a separate right-of-way is set aside for the exclusive use of cyclists to the exclusion of motorized vehicles and pedestrians. One-way bike paths shall be at least four (4) feet wide and paved with concrete or bituminous paving material. Two-way bike paths shall be at least eight (8) feet wide.

**BICYCLE LANES** - Shall include those bicycle facilities where a portion of a street is designated by a raised curb or painted lane stripe, for the exclusive use of cyclists. Bike lanes shall be prominently marked as such and be one-way in direction on each side of the street and a minimum of four (4) feet wide.

**BICYCLE ROUTES** - Shall include those existing or proposed streets that are determined by specific analysis to be suitable for the safe operation of bicycles. Bike routes do not provide for the exclusive use of bicycles but require sharing the street with other vehicles, and are designated by a map of public distribution and/or by the official "Bike Route" sign.

#### **504.7 Public Utilities/Facilities**

The administration of these Regulations by the Planning Commission shall take into account the relationships between new development and the adopted community plans for utility systems. Proposed development shall be considered in terms of required service by sanitary sewer facilities, water supply, storm water drainage, and energy supply. Where necessary, the Commission shall require the provision of exclusive utility easements consistent with the needs to serve the proposed and future development.

**504.71 SANITARY SEWAGE TREATMENT SERVICE** - Where a public sanitary sewer system is reasonably accessible, as determined by the Planning Commission, sanitary sewers shall be installed by the Developer to adequately serve all lots with connections to the public system.

**PACKAGE TREATMENT PLANTS** - Where a public sanitary sewer system is not reasonably accessible, a neighborhood or "Package" disposal system may be installed according to standards determined by the County Health Officer and the Natural Resources and Environmental Protection Cabinet.

**INDIVIDUAL DISPOSAL SYSTEMS** - Where a public sanitary sewer system is not reasonably accessible, septic tank or other individual systems may be installed in accordance with these Regulations, and subject to the approval and conditions of the County Health Officer and/or Kentucky Department of Health, based on the review of a soil analysis and percolation data or other pertinent data for each lot in the proposed subdivision.

**FUTURE SERVICE** - Where plans exist for extending a public sanitary sewer system into an area that is being subdivided, and it is reasonably expected that the area will be served by a public sewer system within a period of five (5) years, capped sewers shall be installed to adequately serve all lots in the proposed subdivision.

**GENERAL STANDARDS** - Subject to the specific determination to the contrary by the Commission or other agency, the following general standards shall apply. The minimum size

sewer pipe connection to any parcel shall be four (4) inches inside diameter (i.d.). The minimum sewer pipe line to be used in a residential subdivision shall be of eight (8) inches i.d., except that a six (6) inch i.d. line may be used to serve no more than four (4) dwelling units. No sanitary sewer system shall be used for the disposal of storm water.

PLANS REQUIRED - In compliance with Section 503.3 of these regulations, the Subdivider shall submit plans for the proposed sanitary sewage treatment facilities with the filing of the preliminary plat for Commission approval. Such plans shall be prepared by a Registered Civil Engineer and shall show pipe sizes, type of pipe, the location, type, and size of all lift or pumping stations and treatment facilities, if on site. Such plans shall be designated as a logical extension of the public sewer system including trunk lines as needed to serve the subject tract and future extensions of the system.

Where septic tank systems are used, plans shall show percolation rates, rock soundings, and length of drainage fields required.

OVERSIZED FACILITIES - When it is determined necessary to comply with the Comprehensive Plan, the Developer may be required to install collection or treatment facilities in excess of those required to adequately serve the subdivision. In these cases, the City may reimburse the Developer for the difference in cost between the facilities actually needed in the subdivision and the cost of facilities necessary to provide for future planned development.

504.72 STORM WATER DRAINAGE - Provisions shall be made by the developer for the collection and channelization of storm water runoff by means of a storm water drainage system designed to handle the runoff from storms occurring on an average frequency of twenty-five (25) years. The proposed system shall be subject to the review and approval of the Planning Commission.

PLANS REQUIRED - All major subdivisions and all multi-family residential, commercial, and industrial developments of one acre or more are required to submit a detailed storm water management plan. Basically, the plan will call for the developer to provide the following information:

1. Name of Drainage Basin in which property is located.
2. Adjacent land uses.
3. Proposed use of site
4. Runoff Analysis:
  - Inflow
  - On-site flow (before and after development)
  - Outflow (based on plan to mitigate impact)
5. Details for channelizing water on-site (natural/artificial systems) showing location and size of all structures (storm sewers, inlets, catch basins, manholes, culverts, swales, etc.



6. Details for diverting, detaining, or retaining water on-site showing location, type, and specifications for structures.

7. Certification by engineer that figures are correct, and that design is adequate for minimizing outflow.

DISPOSAL BEYOND SUBDIVISIONS - Where an adequate public storm sewer is available at the subdivision boundary, the Developer shall construct the storm sewer system to connect with such storm sewer line. If such a system is not available, the Developer may be required by the Commission to provide for the construction of necessary storm drainage facilities as may be required beyond the immediate boundaries of the subdivision in order to conduct runoff to an acceptable point of disposal.

OVERSIZED FACILITIES - When it is determined necessary to comply with the Comprehensive Plan, the Developer may be required to install drainage structures in excess of those required to serve the subdivision. In these cases the City may reimburse the Developer for the difference in cost between the drainage facilities actually needed in the subdivision and the cost of facilities necessary to provide for future planned development.

504.73 WATER SUPPLY SYSTEM - Where a public water supply is available, the Subdivider shall be required to provide an adequate supply of pure water to all lots in the subdivision. The water supply shall be sufficient to satisfy the needs of both domestic use and fire protection. The distribution system shall be so designed and constructed as to form an integral part of the City's or rural water district or association's distribution system, and be in conformity with the Comprehensive Plan. The distribution system shall be in accordance with the current City standards, as well as the standards of the Natural Resources and Environmental Protection Cabinet and the State Fire Rating Bureau.

The quantity of water delivered to the water district's distribution system shall be sufficient to supply adequately, dependably, and safely, the total reasonable requirements of its customers under maximum consumption.

PLANS REQUIRED - In compliance with Section 503.3, the subdivider shall submit plans for the proposed water system. These plans shall show location of connections to existing systems, location and size of proposed mains, and fire hydrants.

## RESIDENTIAL SUBDIVISIONS (Includes Mobile Home Parks):

### WATER SUPPLY

- a. Water mains shall be not less than six (6) inches in diameter, including fire hydrant branch connections, installed in conformity with the minimum requirements of the Fire Department and Utilities Commission. Where size and physical characteristics indicate, the developer may be required to install mains of a larger diameter.
- b. Water mains shall be so arranged that the distance between intersecting mains does not exceed eight hundred (800) feet. If intersecting mains are at a distance in excess of eight hundred (800) feet, eight (8) inch or larger mains must be used.
- c. Eight (8) inch mains shall be used where dead-end and poor circulating grid-ironing is likely to exist for a considerable period of time, or where the layout of the streets and topographical characteristics are not well adapted to a circulating system.
- d. The distribution system shall be equipped with a sufficient number of valves so located that breakage or other interruption will not cause the shut-down of any portion of a main greater than eight hundred (800) feet.
- e. Approval of the Fire Department and Utilities Commission shall be obtained prior to the issuance of a building permit.

FIRE HYDRANT INSTALLATION - Fire hydrants shall be spaced not farther than five hundred (500) feet apart as measured over hard-surface roads. In no event shall the distance between a fire hydrant and a building exceed three hundred (300) feet as measured on an all-weather road. Where cul-de-sac streets are being developed, a fire hydrant will be located on one of the lots at the beginning of the cul-de-sac street.

### FIRE HYDRANT USE

- a. Fire hydrants shall meet the minimum specifications and be installed in conformity with the requirements of the Fire Department and Utilities Commission.
- b. Fire hydrants shall be able to deliver five hundred (500) gallons per minute with a friction loss of not more than two and one-half (2 1/2) pounds per square inch in the hydrant, and a total loss of not more than five (5) pounds per square inch between the street main and outlet.
- c. Fire hydrants shall be equipped with not less than two 2 1/2-inch outlets and a large pumper outlet of 4 1/2-inch i.d.
- d. A gate valve must be installed between the main and the hydrant.

## INDUSTRIAL, COMMERCIAL, AND HIGH DENSITY RESIDENTIAL DEVELOPMENT

### WATER SUPPLY

- a. Water mains shall be not less than eight (8) inches in diameter and fire hydrant branch connections shall be not less than six (6) inches. Water supply and water main sizes will be subject to reasonable additional requirements relative to the degree of density of development and use.
- b. Approval of the Fire Department and Utilities Commission shall be obtained prior to the issuance of a building permit.

### FIRE HYDRANT INSTALLATION

- a. Fire hydrant spacing shall be not less than that required for residential areas referred to above and, in addition, each building shall have hydrants within the following distances:
  1. 300 feet distance - 1 hydrant
  2. 500 feet distance - 3 hydrants
  3. 1000 feet distance - 5 hydrants
- b. No part of the exterior of the building, other than dwellings, shall be farther than five hundred (500) feet from a hydrant. Distances are to be measured along the shortest feasible exterior route (never measured through building) for laying hose.
- c. Fire hydrants must be located at least twenty-five (25) feet from the exterior wall of any masonry building, and at least fifty (50) feet from any exterior wall of frame or equivalent construction, including brick and stone veneer.

### FIRE HYDRANT TYPE

- a. Fire hydrants shall meet the minimum specifications and be installed in conformity with the requirements of the Fire Department and Utilities Commission.
- b. Fire hydrants shall be able to deliver one thousand (1000) gallons per minute with a friction loss of not more than two and one-half (2 1/2) pounds per square inch in the hydrant, and a total loss of not more than five (5) pounds per square inch between the street main and outlet.
- c. Fire hydrants shall be equipped with not less than two 2 1/2-inch outlets and a large pumper outlet of 4 1/2-inch i.d.

- d. A gate valve must be installed between the main and the hydrant.

#### ADMINISTRATIVE PROCEDURE

- a. During the installation of all water lines and fire hydrants, the developer and/or his contractor must notify the Fire Department and Utilities Commission so they may inspect said improvements. No improvements shall be covered or concealed until they have been approved by both authorities.
- b. Upon completion and approval, the Fire Department and Utilities Commission must certify in writing that all improvements have been accepted and approved to the Planning Commission.
- c. No building permits may be approved until this certification has been made.
- d. In order for a fire hydrant to be installed outside the city limits by the water district, a professional engineer will have to certify that the system can provide a minimum fire flow of two hundred fifty (250) gallons per minute and that the system can provide this flow for a period of not less than two (2) hours plus consumption at the maximum daily rate. The location, installation and responsibility for maintenance of fire hydrants, public and private protection facilities, connecting mains and their ownership may be subject to negotiation by the utility and, if owned by the utility, shall be subject to conditions the commission may impose, based upon the compensation received for this service. In rural areas where residential development may be scattered, the Planning Commission will determine the need for fire hydrants based on site and surrounding conditions.

OVERSIZED FACILITIES - Whenever the City or rural water service deems it appropriate and necessary, in keeping with and in facilitating development of the Comprehensive Plan, the Subdivider may be required to install water mains, fire hydrants, and valves in excess of state requirements. In these cases, the water utility may reimburse the subdivider for the difference in cost between the water facilities actually needed in the subdivision and the cost of the water facilities necessary to provide for planned future development.

PUBLIC WATER UNAVAILABLE - In subdivisions where City water supply is not available and an individual well or cistern will supply each dwelling, a letter of acceptance and approval from the State Health Department must be submitted with the preliminary plat. Wells should be located a minimum of twenty-five (25) feet from property lines, one hundred (100) feet uphill from septic tanks or other sewage systems, and forty (40) feet from lakes or

drainage ways. The Utilities Commission will not accept sanitary sewage from facilities served by non-public water sources.

504.74 ELECTRIC, TELEPHONE AND GAS SERVICE - Electric and telephone services shall be provided within each subdivision. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat. Telephone, electric, and street lighting wires, conduits, and cables may be constructed underground.

504.75 PROVISION OF UTILITY AND DRAINAGE EASEMENTS - The Subdivider shall set aside easements for placement and access to maintenance of public and private utilities and drainage, in accordance with the requirements of these regulations. The specific use of the easement shall be indicated on the plat.

LOCATION OF EASEMENTS - Where utilities do not follow streets, easements shall follow lot lines in order not to restrict the placement of the building.

DIMENSIONS OF EASEMENTS - The minimum width for utility easements shall be twenty (20) feet to permit access by maintenance vehicles. Where such easements follow lot lines, they may be split with ten (10) feet provided on each lot. Dead-end easements shall not exceed one hundred fifty (150) feet in length. Drainage easements must be at least fifteen (15) feet in width.

RESTRICTIONS - No fences, principle or accessory buildings, or other structures shall be permitted within easements. Any overhanging or obstructing limbs, shrubbery, or vegetation may be removed within the limits of the easement at the sole discretion of the appropriate maintenance personnel.

#### **504.8 Community Facilities and Open Space**

The process of land subdivision and development represents a long-term commitment to a particular land use and movement pattern, good or bad. It is therefore the point in time of a community's development that the planning process is actually implemented with respect to securing the land needed for public services.

RESERVATION OF LAND - Where a proposed park, playground, school site, or other public use as indicated in the adopted Comprehensive Plan is located completely or in part in a proposed subdivision, such proposed public use, if not dedicated to public use or conveyed to the appropriate Legislative Body or agency thereof, may be reserved by the Planning Commission for a period of not more than two (2) years from the date of approval of the final subdivision plat. During this time, the affected public agency may acquire the reserved area for its fair market value or by another appropriate method.

After the two (2) year period has elapsed, if the affected public agency has not acquired such land area or arranged with the owner for a satisfactory extension of such period, the owner may dispose of the property in conformance with the law.

The Subdivider shall give consideration to dedicating or reserving land for facilities which will be needed by the future residents, such as public buildings, shopping facilities, and churches.

OFFICIAL PUBLIC PROPERTIES MAP - If the City has adopted an Official Properties Map as provided for in KRS 100.317, which includes such public use, then, in addition to the provisions for reservation (Section 361), the City may prevent the development of such area by refusing to issue a construction permit. Unless such permit is granted, no person shall recover any damages for the taking for public use of any structure or improvement constructed within the lines shown on the Map. Any such structure or improvement shall be removed at the expense of the owner when the land is acquired for public use.

UNFORESEEN DEVELOPMENT - Where considered essential by the Commission in its review of large scale or planned unit development not anticipated in the adopted plans, the Commission may require the reservation for purchase of such areas of an extent and location suitable for the needs created by such development for parks, schools, streets, or other public use for no more than two (2) years.

#### **504.9 Construction Guarantees**

COMPLETION OF IMPROVEMENTS - Prior to the submission of the final plat or minor plat to the Commission for approval, the Developer shall complete all required improvements to the satisfaction of the appropriate city agency who will certify their satisfactory completion in writing to the Commission.

PERFORMANCE BONDS - The Developer may execute and file guarantees of construction with the City in lieu of actual installation or completion of the required improvements when requesting approval of the final plat or minor plat. However, no structure on a lot can be sold for occupancy until such time as all improvements applicable to that lot are completed.

A bond shall be filed with the City of Corbin in an amount no less than one hundred fifteen percent (115%) of the cost as the Planning Commission shall estimate and determine to be reasonably necessary to complete all of the improvements required to be done by the Developer (including measures to control erosion and sedimentation, when applicable) and also the Planning Commission's fees, for field inspection. The bond may be in the form of a surety bond, certified check, or a cash bond or negotiable United States Treasury Certificates of the kind approved by law for securing deposits, or irrevocable Commercial Letter of Credit approved by the Planning Commission and City Attorney. The bond shall be executed by the Developer as principal and, if a surety bond, shall be executed by a corporation

authorized to act as a surety under the laws of the Commonwealth of Kentucky, as surety. The bond shall be a joint bond and severally obligates faithful performance of any and all work and the construction and installation of all improvements required to be done by the Developer together with all engineering and inspection costs and fees incurred by the City. The bond shall contain the further condition that should the Developer fail to complete all work and improvements required to be done by him within twenty-four (24) consecutive calendar months of the date of approval of the Final Plat, or within mutually agreed upon extension not to exceed twelve (12) consecutive calendar months, that the City may, at its option, cause all required work to be done and improvements constructed. The parties executing the bond shall be firmly bound for the payment of all necessary costs therefore. Whenever the Developer elects to deposit cash, certified check, or approved negotiable United States Treasury Certificates, the City shall be authorized, in the event of any default on the part of the Developer in the performance of any work or construction of any improvements for which the cash or negotiable bond has been deposited, to cause the required work to be done and to withdraw that amount required for payment of all costs therefore. The bond shall be filed with the City Clerk.

At such time that the Developer has completed such improvements specified in the bond guarantee, he shall notify the City Engineer (or delegated representative), who will inspect the improvements and, if all are in conformance with the requirements, will notify the Commission in writing and recommend the release of seventy-five percent (75%) of the bond. Twenty-five percent (25%) shall be retained as guarantee of the improvements against the incorporation of faulty materials or poor workmanship for a period of one (1) year after the date that the construction was accepted by the City.

MAINTENANCE AND REPAIR OF IMPROVEMENTS - The Developer is responsible for the maintenance and repair of the improvements installed. The Developer shall be responsible for any damage done to the improvements by construction traffic, local traffic, or by any other means and shall insure the accessibility to all occupied lots until final acceptance for maintenance by the City. Upon completion of work and before public acceptance, the Developer shall clean up all ground occupied or affected in connection with the work. Failure to maintain or repair improvements may result in withholding approval of subsequent units of the subdivision or the billing of the Developer for such service performed by the City. Payment shall be guaranteed by the performance bond or letter of credit.

LIABILITY INSURANCE - The Developer shall furnish such insurance as deemed necessary by the Planning Commission which shall indemnify and save harmless the City from any and all liability arising from any conditions which may result from the construction or installation of improvements. The insurance shall be of such as determined by the Commission, but in no case shall be allowed to expire earlier than one (1) year from the date that construction or improvements is accepted for maintenance by the City. A copy of the insurance policy shall be filed with the City Clerk.

## **505 Schedule of Fees, Charges, and Expenses**

The City Commission shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the Office of the Codes Administrator, and may be altered or amended only by the appropriate Legislative Body. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

### **ADVERTISEMENT**

Applicants will be responsible for paying the necessary cost of advertisement.

### **FILING FEES**

All variances and conditional use permits approved by the Board of Adjustment shall be recorded at the expense of the applicant in the office of the County Court Clerk.



## **ARTICLE VI**

### **The Development of Structures**

#### **600 Code References**

In the interest of public safety and uniform construction, the Department of Codes and Planning uses the following City Adopted Codes:

Kentucky Residential Code, Kentucky Building Code, and all State adopted Codes.

The Kentucky Building Code is an adaptation of the International Code Council Building Codes with specific state requirements included. It also encompasses the Kentucky State plumbing code, boiler rules and regulations, and the National Electric Code.

These codes are considered as minimums and the office encourages construction and safety measures that exceed these if at all possible.

#### **601 Procedures**

The following steps are necessary to obtain a Building Permit:

1. Check for appropriate zoning.
2. Permit must be obtained before work is started.
3. Have application for service from Utilities.
4. Have building and site plans.
5. Fill out building application and affidavit of insurance.
6. Owner/builder is responsible for calling in for inspections.
7. Certificate of Occupancy is given only after the four basic inspections are made.

## **ARTICLE VII**

### **Definitions**

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Ordinance. Words used in the present tense shall include the future; the word "building" shall include the word "structure"; the word "lot" includes the words "plot" or "parcel"; the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased" or intended to be "used"; the word "shall" is mandatory, "may" is permissive, and "should" is preferred.

Accessory Use or Structure: A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot, serving a purpose customarily incidental to the use of the principal building or land use.

Agricultural Use: The use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timbers, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public, and shall include, regardless of the size of the tract of land used, small wineries licensed under KRS 243.155, and farm wineries licensed under KRS 243.156. Commercial feed lots and the raising of fur-bearing animals are not considered to be normal agricultural activities.

Alley or Lane: A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

As-Built Plans/Drawings: Engineering plans/drawings of public facilities, particularly water and sewage systems, prepared after construction to show the exact location and dimensions of the systems as they have actually been installed.

Automotive Repair, Major: Repair of motor vehicles or trailers, including rebuilding or reconditioning of engines and/or transmissions; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

Automotive Repair, Minor: Incidental minor repairs, upholstering, replacing of parts and motor service to passenger cars and trucks not exceeding one and one-half (1 and 1/2) tons capacity, but not including any operation named under "Automotive Repair, Major."

Automotive Service Station: A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease or parts and accessories for operating motor vehicles is offered for

sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

Automotive Wrecking: The dismantling or disassembling of used motor vehicles, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement: A story of a structure whose floor line is more than five (5) feet below grade.

Bed and Breakfast Establishment: A building occupied as a dwelling unit, but which also has guestrooms or suites which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by persons not members of the single-family unit. The building shall be further defined as either a bed-and- breakfast inn, or a bed-and-breakfast home.

Billboard: See Sign, Off-premise.

Block: In describing the boundaries of a district, the word block refers to the legal description. In all other cases, the word block refers to the property abutting one side of a street and a railroad right-of-way or waterway.

Board of Adjustments: A body of five (5) citizens appointed by the mayor with the approval of the City Commission, and having the following functions: 1) acting on conditional use permits and dimensional variances, and 2) reviewing and deciding upon appeals regarding errors in interpretation of the zoning requirements.

Boarding or Lodging House: A dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are provided for four (4) or more persons for compensation by previous arrangement, but not transients.

Buildable Lot Area: That part of the lot not included within the open areas required by this Ordinance.

Building: Any structure having a roof supported by columns or walls, used or intended to be used for the support, shelter, protection or enclosure of persons, animals, or property.

Building, Height of: The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

Building Inspector: A person employed by the city with the responsibilities of administering the building code and related regulations.

**Building Permits:** A document issued by the Codes Administrator authorizing the use of lots, structures, and uses of land and structures.

**Building Setback Line:** The line beyond which no building or part thereof shall project, except as otherwise provided by this Ordinance.

**Building Site:** The lot or tract of contiguous lots, which comprise the land occupied by a principal building and any accessory buildings and including open spaces, yards, and off-street parking facilities.

**Cellular Antenna Tower:** A tower constructed for, or an existing facility that has been adapted for the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

**Cellular Communications:** A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

**Cemetery:** Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of such cemetery.

**Certificate of Occupancy:** A certificate which must be obtained from the city prior to occupancy of any premises.

**Chairperson:** The elected chairperson of the Planning Commission or, in his/her absence, the Vice chairperson or other delegated representative.

**City and City Commission:** City refers to the incorporated area of Corbin, and City Commission to the legislative body elected to serve the citizens of Corbin.

**Codes Administrator:** (Formerly Administrative Official)

An individual appointed by the City to act on the Commission's behalf in carrying out the provisions of these regulations, or an individual appointed to assist the Codes Administrator and authorized to act on his/her behalf, or to perform the duties of the Code Administrator in his/her absence.

**Co-location:** Locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower.

**Comprehensive Plan:** A plan or any portion thereof, adopted by the Planning Commission and/or the City Commission, showing the general location and extent of present and

proposed physical facilities, including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities.

Conditional Use: A use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent and character of performance are imposed in addition to those imposed in the zoning regulation.

Conditional Use Permit: Legal authorization to undertake a conditional use, issued by the Codes Administrator pursuant to authorization by the board of adjustment, consisting of two (2) parts:

- a. A statement of the factual determination by the board of adjustment which justifies the issuance of the permit; and
- b. A statement of the specific conditions which must be met in order for the use to be permitted.

Condominium: The ownership of a single unit within a multiple unit structure or complex in which all common elements are held in joint ownership by the owners of the individual units. (Statutory Reference: Horizontal Property Law, KRS Chapter 381)

County: Refers to the territory of Whitley or Knox County.

Court: An open, unoccupied, and unobstructed space, other than yard, on the same lot with a building or group of buildings.

Day-Care Center: A facility for child care that meets state requirements.

Density: A unit of measurement; the number of dwelling units per acre of land.

- a. Gross Density - the number of dwelling units per acre of land to be developed.
- b. Net Density - the number of dwelling units per acre of land devoted to residential uses.

Detention Basin/Pond: A facility for the temporary storage of stormwater runoff, designed to slow down or retard its release.

Developer: Any individual, firm, association, corporation, governmental agency, or any other legal entity commencing proceedings under these regulations, to carry out the development of land as defined herein, for himself or for another.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, excavating, grading,

paving, or drilling operations. Agricultural activities such as plowing, cultivating, and gardening activities are not included in this definition.

Development Plan: Development plan means written and graphic material for provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant.

Display Sign: A structure that is arranged, intended, designed, or used as an advertisement, announcement or direction, including a sign, billboard, or advertising device of any kind.

Drive-In Restaurant: Any place or premises used for the sale, dispensing, or serving of food, refreshments or beverages in automobiles, including establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises.

Driveway: An improved surface connecting a garage or parking area with the street.

Dwelling: A building or structure designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or mobile home, camper, boarding or rooming house, hotel or motel.

Dwelling, Multi-Family: A building or portion thereof designed or used exclusively as the residence of three (3) or more families or housekeeping units living independently of each other.

Dwelling, Single-Family: A detached building occupied exclusively for residential purposes by one (1) family housekeeping unit.

Dwelling, Two-Family: A detached residential building containing two (2) dwelling units designed for two (2) families or housekeeping units living independently of each other (Duplex).

Dwelling Unit: One (1) room or a suite of two (2) or more rooms, designed for or used by one (1) family for living and sleeping purposes and having only one (1) kitchen or kitchenette.

Easement: Authorization by a property owner for the use by others, of any designated part of his property, for a specified purpose and time as described in the conveyance of land by such easement.

Engineer: A qualified registered professional engineer in good standing with the

Kentucky Board of Registration for Professional Engineers and Land Surveyors.

Erosion Control: Regulations/guidelines designed to reduce the level of soil loss.

Essential Services: The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm, boxes, traffic signals, hydrants, and other similar equipment and furnishing of adequate service by such public health or safety or general welfare, but not including buildings.

Family: A person living alone, or two (2) or more persons related by blood, marriage or adoption, or not more than five (5) unrelated persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel, or hotel, fraternity or sorority house.

Flag Lot: An irregularly-shaped lot which has a narrow panhandle- shaped protrusion fronting on a public street, but widening considerably some distance from the front lot line.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of inland water; the usual and rapid accumulation of runoff or surface waters from any source and mud slides which are caused or precipitated by accumulation of water on the surface or underground.

Frontage: Frontage shall be that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way. Where a lot abuts more than one street, the Board shall determine the frontage for purposes of this Ordinance.

Garage, Private: A detached accessory building or a portion of the principal building used by the occupants of the premises for the shelter or storage of vehicles owned or operated by the occupants of the principal building.

Grade: The inclination from the horizontal of a road, unimproved land, etc. and is expressed by stating the vertical rise or fall as a percent of the horizontal distance.

Home Occupation: Professional offices, workshops, studios, and personal services maintained or conducted within a dwelling. Neither the selling of any merchandise nor processing of any product shall qualify as a home occupation. Home occupation includes only those which meet the following: (a) Home occupations shall be incidental to the principal residential use and shall not occupy more than twenty-five percent (25%) of the floor area of the dwelling unit; (b) Home occupations shall result in no exterior evidence, excepting a permitted sign, that the dwelling is used for a non-residential use; (c) Home

occupations shall not generate any atmospheric pollution, light flashes, glare, odors, noise, vibration, or truck or other heavy traffic; (d) No more than one (1) person not a member of the occupant family may be employed in a home occupation.\*NOTE: On-Line or telecommunication Businesses that produce no exterior sign of a commercial business being conducted, including no permitted sign, and meets the other guidelines is exempt.

Hospital or Sanitarium: An establishment which provides accommodations, facilities, and services over a continuous period of twenty-four (24) hours or more for observations, diagnosis and care, for two (2) or more individuals suffering from illness, injury, deformity or abnormality, or from any condition requiring obstetrical, medical, or surgical services.

Hotel or Motel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation.

Improvements: Physical changes made to raw land, and structures placed on or under the land surface, in order to make the land more usable for man's activities. Typical improvements in these regulations would be grading, cutting and filling, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewers. Utility lines of all types, street name signs, property number signs, trees, etc.

Industrial Park: An industrial park is a suitable tract of land for industrial use, which has been preplanned and is regulated and administered by a single body or agency.

Junkyard: A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, packed, disassembled or handles, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvage house wrecking and structural steel materials and equipment, but not including such uses when conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged machinery in operable condition, or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.

Legislative Body: The chief body of a city or a county with legislative power.

Loading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Lot: A parcel of land whose boundaries have been established by some legal instrument, such as a recorded deed or a recorded map, and which is recognized as a separate legal entity for purposes of transfer of title. A lot in the city shall meet all of the appropriate zoning



requirements. All lots shall have minimum frontage on a public street or approved private streets as indicated in this ordinance.

Lot Area: The amount of surface land contained within the property lines of a lot, including the land within easements on the lot, but excluding any land within the street right-of-way or public open space.

Lot Corner: A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

Lot Coverage: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Depth: The average horizontal distance between the front and rear property lines of a lot.

Lot Frontage: The front of a lot is that portion nearest to the street. For the purpose of determining yard requirement. For corner and through lots, all sides of a lot adjacent to a street shall be considered frontage.

Lot Measurements: A lot shall be measured as follows:

- a. Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- b. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

Lot, Minimum Area of: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

Lot-of-Record: A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has also been recorded.

Lot, Through or Double Frontage: A lot of which the opposite ends abut on streets.

Lot Width: The distance between the two side property lines of a lot measured along the building setback line.

Major Street Plan: That portion of the comprehensive plan pertaining to transportation and existing and proposed streets.

Manufactured Home: A single-family residential dwelling constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 through 5426, as amended, manufactured after June 15, 1976, and designed to be used as a single-family dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term shall include house trailers and recreational vehicles.

Manufactured Home, Qualified: A manufactured home that meets all of the following criteria; 1) manufactured on or after July 15, 2002, 2) is affixed to a permanent foundation and is connected to the required utilities and installed in compliance with KRS 227.570, 3) is at least 20 feet wide at its smallest width or is 2 stories in height and oriented on the lot with its main entrance door facing the street, 4) has a minimum total living area of 900 square feet, and 5) is not located in a manufactured home land-lease community.

Manufactured Home Park/Community: An area of land upon which manufactured homes, manufactured home space, or both, are provided for rent or lease by the owner of the land.

Manufacturing, Heavy: Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, and ready access to regional transportation.

Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations, relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operation and storing within enclosed structures; and generating little industrial traffic and no nuisances.

Minor Subdivision Plat: See Section 503.1 of these Regulations.

Mini-Warehouse/Storage Facilities: A facility consisting of a building or group of buildings located in a controlled-access compound that may or may not be fenced and gated, containing individual compartmentalized, and controlled-access storage units with individual lock capabilities for each storage unit, which are leased or rented to customers of the facility for storage of those customers personal property, designed and utilized so that each customer had individual access to his or her unit exclusive of the access of other customers of the facility which is designed to function as a self-service facility.

Mobile Home: A dwelling unit that: (a) is not constructed in accordance with standards set forth in the [state or local building code applicable to site-built homes], (b) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (c) exceeds forty (40) feet in length and eight (8) feet in width.

Mobile Home Park: Any site, tract of land under single ownership, upon which two or more mobile homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Modular Home: A dwelling unit constructed in accordance with the standards set forth in the [state or local building code applicable to site-built homes] and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in manner similar to a mobile home (except that the mobile home meets the [state or local building code applicable to site-built homes]), or a series of panels or room sections transported on a truck and erected or joined together on the site. In addition, a manufacturer's certification shall be required, which states that the unit is a Modular home.

Monuments: Permanent man-made markers used to mark corners of property boundaries or points of change in street alignment. Monuments must conform to the minimum standards of practice for land surveying in the Commonwealth of Kentucky.

Non-Conforming Use or Structure: An activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located.

Noxious or Toxic Matter: Any matter such as dust, dirt, odors, vapors, gases, fumes, smoke, or radiation, which is inherently harmful and likely to destroy life and impair health, or is capable of causing injury to the well being of persons, or damage to property.

Nursery, Nursing Home: A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

Official Public Properties Map or Official Map: A map prepared in accordance with KRS 100-293 through 100-317 and adopted by the Planning Commission and the City Commission, showing the location and extent of the existing and proposed public streets, including right-of-way, water courses, parks and playgrounds, public schools and building sites, and other public facility needs.

Open Space: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, any other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation, and the like shall not be included.

Owner: Any individual, firm, association, corporation, governmental agency, or any other legal entity whose name last appears on the tax roles as the owner of the land proposed to be subdivided.

Parking Spaces, Off-Street: For the purpose of this Ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Planned Unit Development: An area of land in which a variety of housing types and/or related commercial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

Planning Commission: The legally constituted body of seven members, appointed by the Mayor of Corbin with the approval of the City Commission, to carry out the planning and zoning responsibilities as described in Chapter 100, KRS.

Plat: The map of a subdivision.

- a. Sketch Plat: A preliminary sketch indicating the subdivision's general objectives and desires in regard to the future development of his land, presented to the Planning Commission for its informal consideration.
- b. Preliminary Plat: The drawings and supplementary material indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.
- c. Final Subdivision Plat: The final map, drawing, or chart upon which the subdivider's plan of subdivision is presented to the Planning Commission for approval, and which, if approved, will be submitted to the County Clerk for recording.
- d. Principal Building: The building in which the primary activity on a certain lot is carried out.

- e. Principal Use: A use which is permitted outright in a district for which a building permit may be issued by the Building Official in accordance with the provisions of this Ordinance.

Public Dedication: Public dedication involves a property owner voluntarily transferring land for public uses (streets, utilities, open space). Public dedication does not imply acceptance by the City of Corbin for public maintenance.

Public Facility: Any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries.

Public Use: Public parks, schools, and administrative, and cultural, buildings, and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Recreational Facilities: Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

Residential Care Facility: A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities.

Retention Basin: A pond, pool, or basin used for the permanent storage of water runoff. Unlike detention basins, retention basins have the potential for water recreation and water-oriented landscaping since water remains in the structure.

Right-of-Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Seat: For the purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) linear inches of benches, pews, or space for loose chairs.

Self-Service Storage Facility: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Semi-Public Use: Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

Sidewalk: That portion of the road right-of-way outside the roadway, which is paved for the use of pedestrian traffic.

Sign: A sign is defined as any object, device, display, or structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

Sign Area: The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

Sign, Off-Premises: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located. An example is a billboard.

Sign, Temporary: A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

Sign, Vehicular: A sign on a vehicle not customarily and regularly used to transport persons or property but used primarily for business purposes.

Street: A way for vehicular traffic, however designated and regardless of size or ownership, but excluding private driveways serving only one parcel of land.

Street Classification: See Section 504.61 of these Regulations.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground.

Subdivider: Any individual, firm, association, corporation, governmental agency, or any other legal entity commencing proceedings under these regulations, to create a subdivision of land as defined herein for himself or for another.

Subdivision: The division of a parcel of land into three (3) or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land, provided that a division of land for agricultural use and not involving a new street should not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or, to the land subdivided; any division or redivision of land occurring within

twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section. Agricultural use means the use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timbers, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

Temporary Business: A place of business which is a physical operation and open to the public at one or more locations for a period not exceeding sixty (60) days and has a business license.

Temporary Structure: Any vending stand, reviewing stand, canopy tent, awning, fence, building, or other miscellaneous structure less than 120 square feet which is intended for use on a temporary basis. A structure without any foundation or footer and removed when the designated time period, activity, or use for which the temporary structure was erected has ceased, no more than sixty (60) days.

Tourist Homes: Establishments which provide lodging and a meal (or meals) for tourists for a prearranged fee. A Bed and Breakfast Homestay is a residence limited to a maximum of three (3) guest rooms. A Breakfast Inn is a commercial establishment with an architectural style of an historic or regional nature and is limited to a maximum of twenty (20) guest rooms. Bed and Breakfast establishments shall not have structural changes made except those required for general maintenance.

Townhouse: A single family dwelling unit containing one or more stories, attached on one or both sides to another single family dwelling unit and usually arranged in rows of three (3) or more units.

Unit: A portion of a subdivision selected for development as one (1) of a series of stages.

Use: The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance: A departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation.

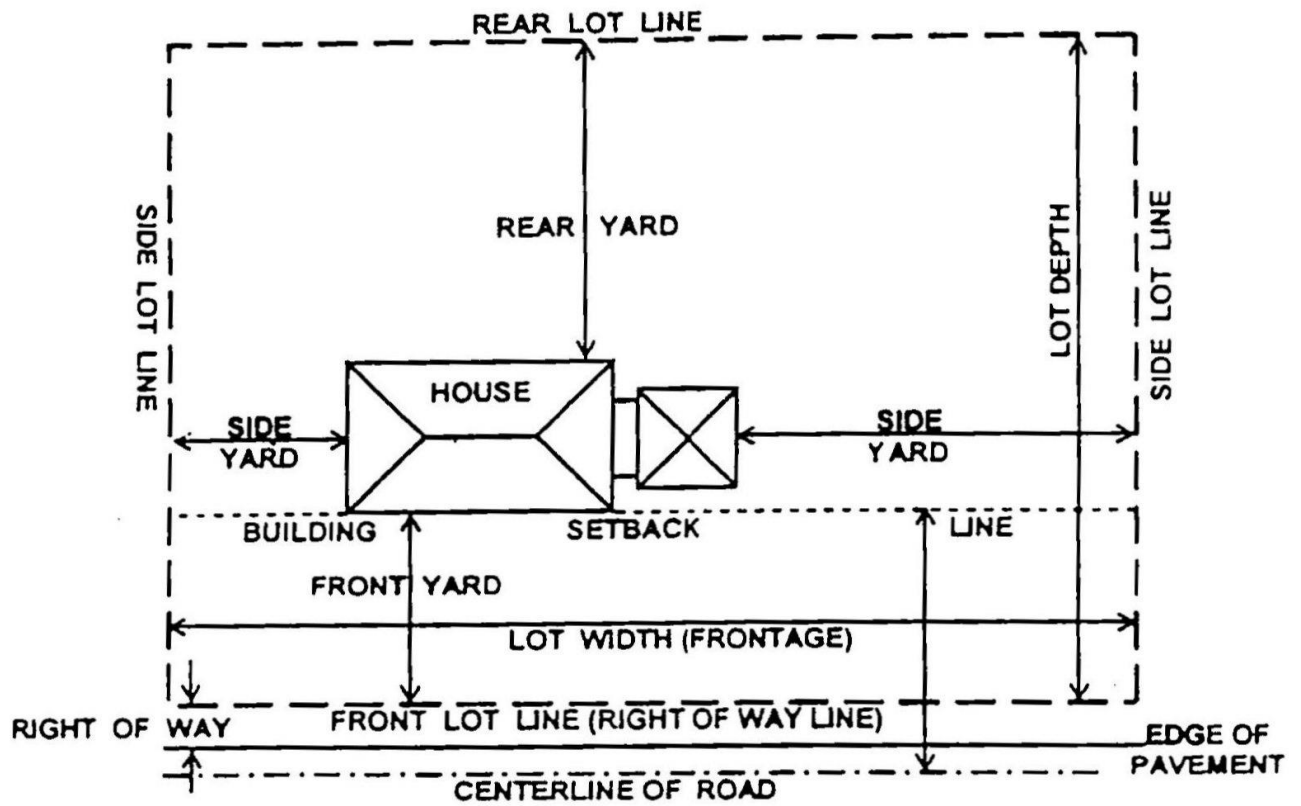
Waiver: Permission granted by the Planning Commission to waive or eliminate, upon written request from a subdivider, any requirement or standard in these regulations, when the applicant has presented written justification or data that the intent of these regulations can be met while waiving the requirement.

Walls and Fences: Walls shall be constructed of natural stone, brick, or other weatherproof materials arranged in a linear, serpentine, or other alignment; while fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings. Chain link fencing may be used to meet the requirements of this Article. Chain link fencing may be installed in the required landscape area only if it is in addition to the required continuous planting, hedge, fence, wall, or earth mound. In industrial zones, there shall be no height limitation on walls or fences; in all other zones, however, there shall be a six (6) foot height restriction for walls or fences in front yards and side street side yards, and an eight (8) foot height restriction in side and rear yards. All walls or fences shall have a minimum opacity of eighty percent (80%). Walls and fences allowed to meet the requirements of this Article shall not be used for the erection or display of any sign or other advertising device.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. In the case of irregularly shaped lots, the Administrative Official shall be responsible for interpretation of the type yard. Refer to Figure 2 for types of yards.

- a. Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- b. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- c. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.





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